

# **ATTACHMENT 53**

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3       IN RE:    PROCESSED EGG PRODUCTS :  
4       ANTITRUST LITIGATION               :  
5       -----:   MDL No. 2002  
6       THIS DOCUMENT APPLIES TO:         :   08-MD-02002  
7       ALL ACTIONS                         :

8                       \*\* HIGHLY CONFIDENTIAL \*\*

9                       Thursday, April 3, 2014

10  
11                      Videotaped deposition of LINDA  
12       REICKARD, taken at the offices of Pepper  
13       Hamilton LLP, 3000 Two Logan Square, 18th &  
14       Arch Street, Philadelphia, Pennsylvania  
15       19103, beginning at 9:32 a.m., before LINDA  
16       ROSSI RIOS, a Federally Approved RPR, CCR and  
17       Notary Public.

<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 HAUSFELD, LLP</p> <p>4 BY: JEANNINE M. KENNEY, ESQUIRE</p> <p>5 1604 Locust Street</p> <p>6 2nd Floor</p> <p>7 Philadelphia, PA 19103</p> <p>8 215-985-3270</p> <p>9 jkenney@hausfeldllp.com</p> <p>10 On behalf of Direct Purchaser Plaintiffs</p> <p>11</p> <p>12</p> <p>13 MILBERG LLP</p> <p>14 BY: CHARLES SLIDDERS, ESQUIRE</p> <p>15 and</p> <p>16 ELIZABETH MCKENNA, ESQUIRE</p> <p>17 One Pennsylvania Plaza</p> <p>18 New York, NY 10119</p> <p>19 646-733-5727</p> <p>20 212-631-8605</p> <p>21 cslidders@milberg.com</p> <p>22 emckenna@milberg.com</p> <p>23 On behalf of the Indirect Purchaser</p> <p>24 Plaintiffs</p> <p>25</p> <p>1 JENNER &amp; BLOCK, LLP</p> <p>2 BY: STEPHEN R. BROWN, ESQUIRE</p> <p>3 353 North Clark Street</p> <p>4 Chicago, IL 60654</p> <p>5 312-840-7282</p> <p>6 stephenbrown@jenner.com</p> <p>7 On behalf of the Direct Action Plaintiffs</p> <p>8 and Kraft, Kellogg, Nestle and General</p> <p>9 Mills</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 EIMER STAHL, LLP</p> <p>4 BY: VANESSA G. JACOBSEN, ESQUIRE</p> <p>5 224 South Michigan Avenue, Suite 1300</p> <p>6 Chicago, IL 60604</p> <p>7 312-660-7604</p> <p>8 vjacobsen@eimerstahl.com</p> <p>9 On behalf of Moark, LLC</p> <p>10 and Norco Ranch, Inc.</p> <p>11 (Via teleconference)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1 ALSO PRESENT:</p> <p>2 ROBERT MIRABELLA, Videographer</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 3</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 PEPPER HAMILTON, LLP</p> <p>4 BY: JAN P. LEVINE, ESQUIRE</p> <p>5 and</p> <p>6 WHITNEY REDDING, ESQUIRE</p> <p>7 3000 Two Logan Square</p> <p>8 18th &amp; Arch Street</p> <p>9 Philadelphia, PA 19103</p> <p>10 215-981-4714</p> <p>11 215-981-4121</p> <p>12 levinej@pepperlaw.com</p> <p>13 reddingw@pepperlaw.com</p> <p>14 On behalf of United Egg Producers and the</p> <p>15 United States Egg Marketers</p> <p>16</p> <p>17 STINSON LEONARD STREET</p> <p>18 BY: WILLIAM L. GREENE, ESQUIRE</p> <p>19 and</p> <p>20 SHARON R. MARKOWITZ, ESQUIRE</p> <p>21 150 South 5th Street</p> <p>22 Suite 2300</p> <p>23 Minneapolis, MN 55402</p> <p>24 612-335-1568</p> <p>25 612-335-1974</p> <p>william.greene@stinsonleonard.com</p> <p>sharon.markowitz@stinsonleonard.com</p> <p>On behalf of Defendant, Michael Foods</p> <p>(Via teleconference)</p> <p>HUTCHINSON PA</p> <p>BY: MATTHEW L. HARTUNG, ESQUIRE</p> <p>1907 Wayzata Boulevard</p> <p>Suite 330</p> <p>Wayzata, MN 55391</p> <p>952-215-0141</p> <p>On behalf of the Defendant, Sparboe Farms</p> <p>(Via teleconference)</p>	<p>Page 5</p> <p>1 INDEX</p> <p>2 - - -</p> <p>3 Testimony of: LINDA REICKARD</p> <p>4 By Mr. Slidders 14, 256</p> <p>5 By Mr. Brown 121, 251</p> <p>6 By Ms. Levine 207, 258</p> <p>7</p> <p>8 - - -</p> <p>9 EXHIBITS</p> <p>10 - - -</p> <p>11 EXHIBIT NUMBER DESCRIPTION PAGE MARKED</p> <p>12</p> <p>13 Reickard-1 11/16/01 E-mail,</p> <p>14 UE0842314 16</p> <p>15 Reickard-2 5/1/00 Fax,</p> <p>16 UE0198268 &amp; UE0198269 34</p> <p>17</p> <p>18 Reickard-3 Administrative Fee For</p> <p>19 Animal Care</p> <p>20 Certification,</p> <p>21 UE0289553 49</p> <p>22 Reickard-4 UEP Certified</p> <p>23 Guidelines Monthly</p> <p>24 Compliance Report,</p> <p>25 UE0284847 - UE0284850 55</p> <p>Reickard-5 10/17/08 Memorandum,</p> <p>MFI034415 &amp; MFI034416 56</p> <p>Reickard-6 10/14/05 E-mail with</p> <p>attachment,</p> <p>UE0515976 &amp; UE0515977 68</p> <p>Reickard-7 4/30/07 Memo,</p> <p>UE0282286 79</p>

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<p>1</p> <p>2 - - -</p> <p>3 (It is hereby stipulated and</p> <p>4 agreed by and among counsel that</p> <p>5 sealing, filing and certification are</p> <p>6 waived; and that all objections,</p> <p>7 except as to the form of the question,</p> <p>8 will be reserved until the time of</p> <p>9 trial.)</p> <p>10 - - -</p> <p>11 VIDEOGRAPHER: We are now on the</p> <p>12 record.</p> <p>13 Please note that microphones are</p> <p>14 sensitive and may pick up whispering</p> <p>15 and private conversations. Please</p> <p>16 turn off all cell phones or place them</p> <p>17 away from the microphones as they can</p> <p>18 interfere with the deposition audio.</p> <p>19 Recording will continue until all</p> <p>20 parties agree to go off the record.</p> <p>21 My name Robert Mirabella</p> <p>22 representing Veritext New York. The</p> <p>23 date today is April 3, 2014, and the</p> <p>24 time is approximately 9:32 a.m.</p> <p>25 This deposition is being held at</p>	<p>1</p> <p>2 Hausfeld, LLP, for Direct Purchaser</p> <p>3 Plaintiffs.</p> <p>4 MS. LEVINE: Jan Levine, Pepper</p> <p>5 Hamilton LLP, for United Egg Producers</p> <p>6 and United States Egg Marketers.</p> <p>7 MS. REDDING: Whitney Redding</p> <p>8 from Pepper Hamilton, on behalf of</p> <p>9 United Egg Producers and United States</p> <p>10 Egg Marketers.</p> <p>11 VIDEOGRAPHER: And those</p> <p>12 attending remotely?</p> <p>13 COURT REPORTER: Attorneys on</p> <p>14 the phone, please?</p> <p>15 MS. JACOBSEN: This is Vanessa</p> <p>16 Jacobsen from Eimer Stahl, for</p> <p>17 Defendants, Moark, LLC and Norco</p> <p>18 Ranch, Inc.</p> <p>19 MR. GREENE: William Greene of</p> <p>20 Stinson Leonard Street, for Defendant,</p> <p>21 Michael Foods.</p> <p>22 MR. HARTUNG: Matthew Hartung of</p> <p>23 Hutchinson PA, for Defendant, Sparboe</p> <p>24 Farms.</p> <p>25 VIDEOGRAPHER: Thank you.</p>

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<p style="text-align: right;">Page 14</p> <p>1 2 Our court reporter, Linda Rossi 3 representing Veritext, will, please, 4 swear in the witness, and we can 5 proceed. 6 - - - 7 LINDA REICKARD, after having 8 been first duly sworn, was examined 9 and testified as follows: 10 - - - 11 MS. LEVINE: Counsel have agreed 12 to the usual stipulations, that all 13 objections other than objections to 14 the form will be held for trial, and 15 one objection is good for all, so that 16 we don't have multiple objections. 17 - - - 18 EXAMINATION 19 - - - 20 BY MR. SLIDDERS: 21 Q. Ms. Reickard, could you, 22 please, state your name and occupation for 23 the record? 24 A. Linda Reickard. I'm retired 25 right now.</p>	<p style="text-align: right;">Page 16</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL 2 guilty of this as anyone, and I will try to 3 do my best not to interrupt you. And if you 4 can do your best not to interrupt me, that 5 would be great. 6 Now, counsel -- your counsel 7 here today will no doubt object to many of my 8 questions. But unless you are directed 9 otherwise by your counsel, you can still 10 answer that question. 11 Ms. Reickard, do you go by any 12 other name? 13 A. No. 14 Q. Have you ever used the name 15 Mary? 16 A. No. 17 MR. SLIDDERS: If I could just 18 exhibit a document with the Bates 19 number UE0842314 as Exhibit Number 1. 20 - - - 21 (Exhibit Reickard-1, 11/16/01 22 E-mail, Bates UE0842314, was marked 23 for identification.) 24 - - - 25 MS. LEVINE: So we're going to</p>
<p style="text-align: right;">Page 15</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL 2 Q. Do you prefer Ms. Reickard? Is 3 Ms. Reickard okay if I call you that? 4 A. That's fine. 5 Q. Thank you, Ms. Reickard. 6 Have you ever been deposed 7 before? 8 A. No. 9 Q. So I'll just go through a bit 10 of what we'll do today just so that we don't 11 confuse each other. 12 What we need you to do is, if I 13 ask a question, if you could give a verbal 14 response and not just nod your head or say 15 uh-huh or whatever. And if you don't 16 understand a question I'm asking, if you can, 17 please, ask me to clarify that, and I'll do 18 my best to clarify it. And if you still 19 don't understand, please, ask again, and 20 we'll try and work through that. If you 21 answer a question, I will assume that you 22 understand that question. 23 Also, if we could try not to 24 speak over each other, not to interrupt each 25 other when I'm asking questions. I'm as</p>	<p style="text-align: right;">Page 17</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL 2 mark this Reickard Number 1? 3 MR. SLIDDERS: Reickard-1, yes. 4 BY MR. SLIDDERS: 5 Q. So, Ms. Reickard, if you see 6 the e-mail in front of you, this is an e-mail 7 dated November 16, 2001, from Linda Reickard 8 to Gene Gregory. Can you identify that 9 e-mail? 10 A. I'm not sure about this e-mail. 11 It has my name at the top. Mary was my 12 assistant. 13 Q. Okay. 14 A. More than likely, I was gone at 15 this time and she used my computer which my 16 name automatically comes up. So I think 17 that's why it says from me and her name is at 18 the bottom. 19 Q. What was Mary's surname, her 20 last name? 21 A. Hill. 22 Q. Mary Hill? 23 A. Yes. 24 Q. Did anyone else have access to 25 your computer while you worked at UEP? We'll</p>

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<p style="text-align: right;">Page 18</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 get to that.</p> <p>3 A. No. I just had one assistant.</p> <p>4 Q. Where did you grow up, Mrs.</p> <p>5 Reickard -- Ms. Reickard?</p> <p>6 A. In Lawson, Missouri.</p> <p>7 Q. Did you go to college?</p> <p>8 A. Yes, I did.</p> <p>9 Q. Where did you go to college?</p> <p>10 A. University of Missouri in</p> <p>11 Columbia.</p> <p>12 Q. And what was your major in</p> <p>13 college?</p> <p>14 A. Business education.</p> <p>15 Q. Did you do any other</p> <p>16 postgraduate studies or any other --</p> <p>17 A. Yes, I have a Master's in</p> <p>18 business education.</p> <p>19 Q. A Master's in business. Where</p> <p>20 did you get that from?</p> <p>21 A. The University of Missouri,</p> <p>22 also.</p> <p>23 Q. Is there any other professional</p> <p>24 qualifications that you have?</p> <p>25 A. I don't think so.</p>	<p style="text-align: right;">Page 20</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. What was your role at Midwest</p> <p>3 Egg Producers?</p> <p>4 A. When I started, it was just a</p> <p>5 secretarial position.</p> <p>6 Q. That was your job title?</p> <p>7 A. You know, I'm not sure that I</p> <p>8 actually had a title, but probably if there</p> <p>9 was one, yes.</p> <p>10 Q. And how many people worked at</p> <p>11 Midwest Egg Producers?</p> <p>12 A. Five or six at the time I was</p> <p>13 hired, I think.</p> <p>14 Q. And who did you report to?</p> <p>15 A. Gerald Weber, who was the</p> <p>16 manager.</p> <p>17 Q. What were your responsibilities</p> <p>18 at Midwest Egg Services -- Producers?</p> <p>19 A. I did secretarial work for</p> <p>20 Gerald Weber. There was a coordinator that</p> <p>21 worked with people at American Egg Board.</p> <p>22 She sent out newsletters and a lot of</p> <p>23 information to state people, and I did a lot</p> <p>24 of that work.</p> <p>25 Q. How long did you work there</p>
<p style="text-align: right;">Page 19</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. What was your first job after</p> <p>3 leaving college?</p> <p>4 A. I taught high school at Durant,</p> <p>5 Iowa.</p> <p>6 Q. Durant, Iowa?</p> <p>7 A. Yes.</p> <p>8 Q. How long were you a teacher</p> <p>9 for?</p> <p>10 A. Seven years.</p> <p>11 Q. What did you do after you</p> <p>12 finished teaching?</p> <p>13 A. I had a child, I took a year</p> <p>14 off and did some substitute teaching during</p> <p>15 that year. The year after that, I worked</p> <p>16 part time for an insurance office. And then</p> <p>17 after that, I was hired by Midwest Egg</p> <p>18 Producers on a part-time basis.</p> <p>19 Q. And who are Midwest Egg</p> <p>20 Producers?</p> <p>21 A. They were a regional of United</p> <p>22 Egg Producers.</p> <p>23 Q. What year approximately was</p> <p>24 that?</p> <p>25 A. 1977.</p>	<p style="text-align: right;">Page 21</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 for?</p> <p>3 A. I was there until we</p> <p>4 consolidated, till UEP consolidated and the</p> <p>5 regionals were gone.</p> <p>6 Q. How long after you started</p> <p>7 there was that?</p> <p>8 A. We consolidated in 1998.</p> <p>9 Q. So you worked at Midwest Egg</p> <p>10 Producers for 20-plus years?</p> <p>11 A. Right. About 22 years, yes.</p> <p>12 Q. Where were your offices?</p> <p>13 A. We started out at Mt. Joy,</p> <p>14 Iowa, and then we moved to Eldridge, Iowa.</p> <p>15 Q. Did your role and</p> <p>16 responsibilities change during those 21</p> <p>17 years?</p> <p>18 A. Yes.</p> <p>19 Q. How did they change?</p> <p>20 A. I took over the accounting, the</p> <p>21 meeting planning. Basically did a lot of</p> <p>22 administrative things.</p> <p>23 Q. And then what happened in 1988</p> <p>24 when you said the UEP consolidated the</p> <p>25 Midwest Egg Producers?</p>

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<p style="text-align: right;">Page 22</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. When I started in 1977, the</p> <p>3 Midwest region had close to 500 members, and</p> <p>4 over the years through consolidation,</p> <p>5 producers getting bigger, the amount of</p> <p>6 producers significantly dropped and they felt</p> <p>7 like there wasn't a need for regionals</p> <p>8 anymore, that they could consolidate and just</p> <p>9 be one United Egg Producers. The members</p> <p>10 would be members of United Egg Producers, not</p> <p>11 the regionals.</p> <p>12 Q. You testified just a moment ago</p> <p>13 that you did accounting services for the</p> <p>14 Midwest Poultry Egg Producers -- I was in</p> <p>15 Indianapolis two days, I got Midwest on my</p> <p>16 mind, I forget where I am sometimes.</p> <p>17 Did your title change when you</p> <p>18 were responsible for the accounting services?</p> <p>19 A. You know, I don't think we ever</p> <p>20 talked about titles. I don't think I</p> <p>21 actually had a title at Midwest Egg.</p> <p>22 Q. Who did the accounting services</p> <p>23 before you did?</p> <p>24 A. Her name was Marlene Keester.</p> <p>25 Q. Did she leave?</p>	<p style="text-align: right;">Page 24</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 and secure the rooms and do all the planning</p> <p>3 for that.</p> <p>4 Q. Did you attend the board</p> <p>5 meetings?</p> <p>6 A. Yes. Later on. As I became --</p> <p>7 as I had more responsibilities.</p> <p>8 Q. What was your role at those</p> <p>9 board meetings?</p> <p>10 A. Just to make sure the meetings</p> <p>11 were going well and that everything was as we</p> <p>12 had planned.</p> <p>13 Q. And then in 1998 you said that</p> <p>14 the UEP consolidated with the Midwest because</p> <p>15 the number of producers in the Midwest was</p> <p>16 contracting. Is that correct?</p> <p>17 A. That what?</p> <p>18 Q. The number of producers in the</p> <p>19 Midwest was contracting, getting smaller.</p> <p>20 A. Yes.</p> <p>21 Q. What happened to your position</p> <p>22 then?</p> <p>23 A. They wanted to keep me as an</p> <p>24 employee and I did not want to move to</p> <p>25 Georgia. Midwest owned the building that we</p>
<p style="text-align: right;">Page 23</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Yes.</p> <p>3 Q. Is that when you took over the</p> <p>4 accounting services?</p> <p>5 A. Yes.</p> <p>6 Q. Approximately when was that?</p> <p>7 A. Just about a year after I</p> <p>8 started.</p> <p>9 Q. So is it fair to say, then,</p> <p>10 from 1978 onwards you were responsible for</p> <p>11 general administrative tasks around the</p> <p>12 office and the accounting services?</p> <p>13 A. Yes.</p> <p>14 Q. And were there any other roles</p> <p>15 and responsibilities you played in that</p> <p>16 office?</p> <p>17 A. Well, I did the meeting</p> <p>18 planning, the accounting, secretarial</p> <p>19 services, so...</p> <p>20 Q. When you say you did the</p> <p>21 meeting planning, what sort of meetings were</p> <p>22 they for? What was the planning for?</p> <p>23 A. Midwest Egg Producers had a</p> <p>24 board who met regularly, and committees that</p> <p>25 met regularly. And so we had to find a hotel</p>	<p style="text-align: right;">Page 25</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 were in, and so through computers and faxes,</p> <p>3 they decided to keep me as an employee.</p> <p>4 Q. And what was your -- and then</p> <p>5 you were employed by the United Egg</p> <p>6 Producers?</p> <p>7 A. Yes.</p> <p>8 Q. And prior to that consolidation,</p> <p>9 were you employed by Midwest Egg Producers?</p> <p>10 A. Yes, but by that time the name</p> <p>11 had changed to Midwest United Egg Producers.</p> <p>12 Q. And when did that happen?</p> <p>13 A. I don't remember when they</p> <p>14 changed that name.</p> <p>15 Q. When you were employed, when</p> <p>16 you started employment with United Egg</p> <p>17 Producers in 1998, what was your role at that</p> <p>18 time?</p> <p>19 A. I did part of the accounting.</p> <p>20 I did the meeting planning. I was in charge</p> <p>21 of the egg PAC fund drive.</p> <p>22 Q. What is the egg PAC fund drive?</p> <p>23 A. That is a PAC fund that is used</p> <p>24 for lobbying.</p> <p>25 Q. A Political Action Committee.</p>

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<p style="text-align: right;">Page 26</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Anything else?</p> <p>5 A. I kept the bird numbers for</p> <p>6 accounting purposes for invoicing dues.</p> <p>7 Q. And that was -- who else was in</p> <p>8 the UEP -- so was that -- was your -- where</p> <p>9 you worked then described as the Midwest</p> <p>10 regional office of the UEP?</p> <p>11 A. No. I mean, it wasn't</p> <p>12 considered -- I mean, it had been the</p> <p>13 regional -- the Midwest regional office, but</p> <p>14 then it became the UEP office. We had an</p> <p>15 office in Washington, we had an office in</p> <p>16 Georgia, and then we had my office in Iowa.</p> <p>17 Q. And who else worked in that</p> <p>18 office in Iowa?</p> <p>19 A. Just my assistant, Mary Hill.</p> <p>20 And then she left and then I -- we hired</p> <p>21 Becky Wentworth. So I had two assistants</p> <p>22 after we consolidated.</p> <p>23 Q. From 1998 until your</p> <p>24 retirement?</p> <p>25 A. At the end of the 2012, yes.</p>	<p style="text-align: right;">Page 28</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 the board of directors meetings?</p> <p>3 A. Well, I was the meeting</p> <p>4 planner, so my main function was to make sure</p> <p>5 that everything was correct with the hotel</p> <p>6 and that everything was going smoothly with</p> <p>7 all of the meetings.</p> <p>8 Q. Did you physically travel to</p> <p>9 the meetings?</p> <p>10 A. Yes.</p> <p>11 Q. And when you were in attendance</p> <p>12 at those meetings, did you have a specific</p> <p>13 role during the meeting?</p> <p>14 A. Only when there needed to be a</p> <p>15 report on the Egg PAC Committee.</p> <p>16 Q. Did you ever take notes of the</p> <p>17 meetings?</p> <p>18 A. I can't remember ever taking</p> <p>19 notes for the meetings.</p> <p>20 Q. And did you also attend</p> <p>21 Marketing Committee meetings?</p> <p>22 A. I did attend some of those,</p> <p>23 yes.</p> <p>24 Q. And did you ever take notes of</p> <p>25 those committee meetings?</p>
<p style="text-align: right;">Page 27</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Did you always work in the Iowa</p> <p>3 office for the UEP?</p> <p>4 A. Yes.</p> <p>5 Q. Did your responsibilities or</p> <p>6 role change over time in those 14 years with</p> <p>7 the -- under the title of UEP?</p> <p>8 A. Probably somewhat, but for the</p> <p>9 most part they stayed the same.</p> <p>10 Q. And what was your title at the</p> <p>11 UEP?</p> <p>12 A. Vice president.</p> <p>13 Q. And when did you become vice</p> <p>14 president?</p> <p>15 A. When we consolidated.</p> <p>16 Q. In 1998?</p> <p>17 A. Yes.</p> <p>18 Q. Now, when you were at the --</p> <p>19 when you became vice president of the UEP,</p> <p>20 did you attend any UEP committee meetings?</p> <p>21 A. Yes.</p> <p>22 Q. Did you attend board of</p> <p>23 directors meetings?</p> <p>24 A. Yes.</p> <p>25 Q. What was your responsibility at</p>	<p style="text-align: right;">Page 29</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. I'm pretty sure that I did not.</p> <p>3 Q. How about Animal Welfare</p> <p>4 Committee meetings?</p> <p>5 A. I would have attended some of</p> <p>6 those, yes.</p> <p>7 Q. Did you ever take notes of</p> <p>8 those meetings?</p> <p>9 A. I don't think so.</p> <p>10 Q. And Price Discovery Committee</p> <p>11 meetings?</p> <p>12 A. I probably attended some of</p> <p>13 those, too.</p> <p>14 Q. Did you take any notes of those</p> <p>15 meetings?</p> <p>16 A. Not that I remember.</p> <p>17 Q. And Producer Committee</p> <p>18 meetings?</p> <p>19 MS. LEVINE: Object to the form</p> <p>20 of the question.</p> <p>21 BY MR. SLIDDERS:</p> <p>22 Q. Did you ever attend Producer</p> <p>23 Committee meetings?</p> <p>24 MS. LEVINE: Object to the form</p> <p>25 of the question.</p>

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<p style="text-align: right;">Page 30</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 BY MR. SLIDDERS:</p> <p>3 Q. Did you ever attend any other</p> <p>4 committee meetings?</p> <p>5 A. There might have been other</p> <p>6 committee meetings, I don't remember.</p> <p>7 Q. Did you ever take notes of any</p> <p>8 other meetings?</p> <p>9 A. I don't think I took notes at</p> <p>10 any meeting ever.</p> <p>11 Q. Thank you.</p> <p>12 How were the minutes of those</p> <p>13 meetings produced?</p> <p>14 MS. LEVINE: Object to the form</p> <p>15 of the question.</p> <p>16 BY MR. SLIDDERS:</p> <p>17 Q. You can answer.</p> <p>18 MS. LEVINE: Can you identify</p> <p>19 what meetings, what meeting?</p> <p>20 BY MR. SLIDDERS:</p> <p>21 Q. Generally speaking, save the</p> <p>22 board of directors meetings, how were the</p> <p>23 minutes of those meetings produced?</p> <p>24 A. That was done in the Georgia</p> <p>25 office. I don't know anything about that.</p>	<p style="text-align: right;">Page 32</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. No, I don't know anything about</p> <p>3 that.</p> <p>4 Q. No problem.</p> <p>5 How did you prepare for this</p> <p>6 deposition today?</p> <p>7 A. We just talked, the lawyers and</p> <p>8 I talked.</p> <p>9 Q. And when you say "the lawyers,"</p> <p>10 you're talking about Ms. Levine?</p> <p>11 A. Yes.</p> <p>12 Q. And anyone else?</p> <p>13 A. Yes. Whitney and Robin.</p> <p>14 Q. And when was that?</p> <p>15 A. Yesterday and then half a day</p> <p>16 the day before that.</p> <p>17 Q. Did you discuss your deposition</p> <p>18 with anyone else?</p> <p>19 A. No.</p> <p>20 Q. Did you discuss the deposition</p> <p>21 of Mr. Gregory -- with Mr. Gregory?</p> <p>22 A. No.</p> <p>23 Q. With his son Chad?</p> <p>24 A. No.</p> <p>25 Q. And you retired in 2012. Is</p>
<p style="text-align: right;">Page 31</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Is that the same with all the</p> <p>3 subcommittee meetings, like the Marketing</p> <p>4 Committee meeting?</p> <p>5 A. That is the same with all</p> <p>6 committee meetings -- I mean, all meetings,</p> <p>7 yes.</p> <p>8 Q. Now, are you aware --</p> <p>9 A. The Egg PAC Committee meeting,</p> <p>10 I did those minutes, I'm sorry. I forgot</p> <p>11 about those. Because I was the staff</p> <p>12 coordinator for that committee, so I did do</p> <p>13 those minutes. I apologize.</p> <p>14 Q. No problem.</p> <p>15 And did you take notes during</p> <p>16 the meeting, the Egg PAC Committee meetings?</p> <p>17 A. Yes.</p> <p>18 Q. And did you use those notes to</p> <p>19 produce minutes of those meetings?</p> <p>20 A. Yes.</p> <p>21 Q. And have those notes been</p> <p>22 produced in this litigation that you're aware</p> <p>23 of?</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. Do you know why not?</p>	<p style="text-align: right;">Page 33</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 that correct?</p> <p>3 A. Yes, although in 2013 I did the</p> <p>4 meeting planning part time.</p> <p>5 Q. On a part-time basis. And</p> <p>6 throughout your tenure with both the Midwest</p> <p>7 Egg Producers and the United Egg Producers,</p> <p>8 you were a full-time employee?</p> <p>9 A. No. I was part time when I</p> <p>10 started with Midwest. I was part time for</p> <p>11 many years.</p> <p>12 Q. And when did you become full</p> <p>13 time?</p> <p>14 A. You know, I don't remember what</p> <p>15 year that was.</p> <p>16 Q. When was it when you were at</p> <p>17 Midwest Egg Producers?</p> <p>18 A. Yes.</p> <p>19 Q. And can you approximate how</p> <p>20 long into your tenure there, say five years,</p> <p>21 ten years?</p> <p>22 A. You know, I just don't</p> <p>23 remember. It was when my kids got older. So</p> <p>24 I don't remember, I'm sorry.</p> <p>25 Q. I understand.</p>

<p style="text-align: right;">Page 34</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Ms. Reickard, are you familiar</p> <p>3 with the UEP trading program?</p> <p>4 A. Yes.</p> <p>5 Q. Could you describe that program</p> <p>6 to me?</p> <p>7 A. You're talking about the Egg</p> <p>8 Trading Program?</p> <p>9 Q. Yes.</p> <p>10 A. There were egg traders in the</p> <p>11 Georgia office and I believe -- and there</p> <p>12 were satellite traders. My only role in that</p> <p>13 was to do the invoicing.</p> <p>14 MR. SLIDDERS: If I could</p> <p>15 exhibit another document. It's this</p> <p>16 one. If I could just exhibit Reickard</p> <p>17 Number 2.</p> <p>18 - - -</p> <p>19 (Exhibit Reickard-2, 5/1/00 Fax,</p> <p>20 Bates UE0198268 &amp; UE0198269, was</p> <p>21 marked for identification.)</p> <p>22 - - -</p> <p>23 BY MR. SLIDDERS:</p> <p>24 Q. Feel free to take your time to</p> <p>25 look over that document. I'm exhibiting</p>	<p style="text-align: right;">Page 36</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. That is correct.</p> <p>3 MS. LEVINE: Object.</p> <p>4 BY MR. SLIDDERS:</p> <p>5 Q. Who managed the program?</p> <p>6 A. You mean the staff person?</p> <p>7 Q. Yes.</p> <p>8 A. Gene Gregory, I believe.</p> <p>9 Q. And that was throughout the</p> <p>10 time of its existence?</p> <p>11 A. Yes. I think so, yes.</p> <p>12 Q. To the best of your knowledge</p> <p>13 and recollection, can you just describe to me</p> <p>14 or run through it for me how the program</p> <p>15 actually worked?</p> <p>16 A. The traders talked to buyers</p> <p>17 and sellers, put together trades, sent the</p> <p>18 sales sheet to me, I did the invoicing, the</p> <p>19 accounts receivable and the accounts payable</p> <p>20 part of the trades.</p> <p>21 Q. Who were the traders?</p> <p>22 A. That changed over the years.</p> <p>23 Q. But they were not UEP</p> <p>24 employees. Is that correct?</p> <p>25 A. Yes, there were some UEP</p>
<p style="text-align: right;">Page 35</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 document UE 198268 to UE 198269. It is a fax</p> <p>3 to Terry Oliver, dated May 1, 2000, from</p> <p>4 Mr. Gene Gregory, with the subject of</p> <p>5 commission of rates.</p> <p>6 I'm really only interested in</p> <p>7 the front page.</p> <p>8 A. Okay.</p> <p>9 Q. You said you were responsible</p> <p>10 for invoicing for the Egg Trading Program.</p> <p>11 Is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. And who did you invoice?</p> <p>14 A. The producers who bought the</p> <p>15 eggs.</p> <p>16 Q. And were you responsible for</p> <p>17 deducting commissions?</p> <p>18 A. Well, the sheet that I got</p> <p>19 showed the commissions so I'm not sure that</p> <p>20 you would say I deducted it, but the amount</p> <p>21 that was paid to the producer versus the</p> <p>22 amount we received from the buyer included</p> <p>23 that commission.</p> <p>24 Q. So the UEP never bought the</p> <p>25 eggs itself. Is that correct?</p>	<p style="text-align: right;">Page 37</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 employees.</p> <p>3 Q. And who were they?</p> <p>4 A. When I started, Billie Jo</p> <p>5 Correll, I think Terry Oliver, he was the</p> <p>6 satellite trader, he wasn't an employee.</p> <p>7 Q. Right.</p> <p>8 A. I believe he was doing that at</p> <p>9 the time that I started. I can't remember if</p> <p>10 there was anybody else or not.</p> <p>11 Q. Could anyone buy or sell eggs</p> <p>12 through the UEP trading program?</p> <p>13 A. You mean buyers and sellers?</p> <p>14 Q. Yes.</p> <p>15 A. I think so.</p> <p>16 Q. So a non-UEP member could buy</p> <p>17 or sell eggs through the program?</p> <p>18 A. I believe so. That wasn't my</p> <p>19 jurisdiction or anything. I didn't control</p> <p>20 that.</p> <p>21 Q. Was this a core function of the</p> <p>22 UEP? Was the Egg Trading Program a core</p> <p>23 function or a central or primary function of</p> <p>24 the UEP?</p> <p>25 A. A what function?</p>

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<p style="text-align: right;">Page 38</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. A central or primary function</p> <p>3 of the UEP.</p> <p>4 MS. LEVINE: Object to the form</p> <p>5 of the question.</p> <p>6 MR. SLIDDERS: Withdrawn.</p> <p>7 BY MR. SLIDDERS:</p> <p>8 Q. How long did the program last?</p> <p>9 A. As far as I know, it's still</p> <p>10 going on.</p> <p>11 Q. And was it a central part of</p> <p>12 the UEP services?</p> <p>13 MS. LEVINE: Object to the form</p> <p>14 of the question.</p> <p>15 THE WITNESS: It was a part of</p> <p>16 the program.</p> <p>17 BY MR. SLIDDERS:</p> <p>18 Q. Apart from the commissions, was</p> <p>19 there any other fees associated with</p> <p>20 participating in the program?</p> <p>21 A. I don't think so.</p> <p>22 Q. Could you give me a rough</p> <p>23 estimate of how many members, UEP members</p> <p>24 used the trading program on an annual basis?</p> <p>25 MS. LEVINE: Object to the form</p>	<p style="text-align: right;">Page 40</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 commission?</p> <p>3 A. As far as I know.</p> <p>4 Q. And the brokers, the</p> <p>5 independent brokers, I'll call them, the ones</p> <p>6 that were not employed by the UEP, did they</p> <p>7 engage in egg trading for other businesses?</p> <p>8 A. I would not know that.</p> <p>9 Q. Now, did the UEP buy or sell</p> <p>10 eggs on behalf of UEP members?</p> <p>11 MS. LEVINE: Object to the form</p> <p>12 of the question.</p> <p>13 THE WITNESS: I'm not -- I don't</p> <p>14 think I understand the question.</p> <p>15 BY MR. SLIDDERS:</p> <p>16 Q. Did the UEP itself ever buy</p> <p>17 eggs to sell to another party?</p> <p>18 MS. LEVINE: Object to the form</p> <p>19 of the question.</p> <p>20 THE WITNESS: We never took</p> <p>21 possession of eggs if that's what you</p> <p>22 mean.</p> <p>23 BY MR. SLIDDERS:</p> <p>24 Q. Yes, it is.</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 39</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 of the question.</p> <p>3 THE WITNESS: No, I can't. I</p> <p>4 have no idea.</p> <p>5 BY MR. SLIDDERS:</p> <p>6 Q. That's fine.</p> <p>7 Now, if you go back to this</p> <p>8 document, can you tell me -- you say you</p> <p>9 couldn't tell me how much revenue on a</p> <p>10 monthly or annual basis the Egg Trading</p> <p>11 Program generated for the UEP?</p> <p>12 A. I could not tell you that</p> <p>13 without looking on an accounting statement.</p> <p>14 Q. Now, how were the brokers paid?</p> <p>15 A. What did you say?</p> <p>16 Q. How were the brokers, the egg</p> <p>17 trading brokers, firstly, the ones that UEP</p> <p>18 employed, how were they paid, were they paid</p> <p>19 a salary or commission?</p> <p>20 A. The ones employed by UEP were</p> <p>21 just paid a salary.</p> <p>22 Q. And how were the ones who were</p> <p>23 not employed by UEP paid?</p> <p>24 A. They were paid a commission.</p> <p>25 Q. And that was purely a</p>	<p style="text-align: right;">Page 41</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Did you ever take title to eggs</p> <p>3 that you know of?</p> <p>4 A. Take charge?</p> <p>5 Q. Title.</p> <p>6 A. Title. No, I don't think so.</p> <p>7 Q. Now, you may have testified to</p> <p>8 this already, but if I could just ask you</p> <p>9 again. Can a -- could a non-member initiate</p> <p>10 a trade?</p> <p>11 A. Yes.</p> <p>12 Q. Now, when the UEP -- you've had</p> <p>13 more than 40 years' experience in the egg</p> <p>14 industry. Is that -- that's a fair</p> <p>15 statement?</p> <p>16 A. More than 40, is that what you</p> <p>17 said? How old do you think I am?</p> <p>18 Q. My math is bad actually. More</p> <p>19 than 30?</p> <p>20 A. More than 30, yes.</p> <p>21 Q. Okay. Sorry. I need a</p> <p>22 calculator. And now I was actually surprised</p> <p>23 you were a teacher before you were -- I</p> <p>24 thought you went straight from high school to</p> <p>25 the UEP.</p>

<p style="text-align: right;">Page 42</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Well, thank you.</p> <p>3 Q. No problem. I'd just like that</p> <p>4 on the record.</p> <p>5 Now, when you joined -- when</p> <p>6 the UEP consolidated with Midwest Poultry</p> <p>7 Services -- Midwest Egg Producers, were</p> <p>8 you -- what was the primary concern of the</p> <p>9 egg industry at that time, if you can recall?</p> <p>10 MS. LEVINE: Object to the form</p> <p>11 of the question.</p> <p>12 THE WITNESS: I don't remember.</p> <p>13 BY MR. SLIDDERS:</p> <p>14 Q. Do you recall there being an</p> <p>15 issue with the oversupply of eggs at that</p> <p>16 time?</p> <p>17 A. No, I do not recall.</p> <p>18 Q. So you have no -- when you</p> <p>19 joined the UEP, did you ever become aware of</p> <p>20 an oversupply of -- an issue concerning the</p> <p>21 oversupply of eggs?</p> <p>22 A. I'm not sure how to answer that</p> <p>23 because through the whole 35-plus years</p> <p>24 there's occasionally been oversupply of eggs</p> <p>25 all that time, so...</p>	<p style="text-align: right;">Page 44</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. It would have been at one of</p> <p>3 our meetings, one of UEP's meetings.</p> <p>4 Q. Is it one of UEP's meetings?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall him ever</p> <p>7 discussing the supply of eggs?</p> <p>8 A. I don't recall that at all.</p> <p>9 Q. Did you ever have any other</p> <p>10 non-personal communications with Mr. Bell?</p> <p>11 A. Not that I recall. It might</p> <p>12 have been him telling me he was going to be</p> <p>13 at a meeting and needed a room. That would</p> <p>14 have been the only thing.</p> <p>15 Q. So you never -- did you ever</p> <p>16 discuss the economics of the egg industry</p> <p>17 with Mr. Bell?</p> <p>18 A. No.</p> <p>19 Q. Did you ever discuss the</p> <p>20 economics of the egg industry with Mr.</p> <p>21 Gregory?</p> <p>22 A. I don't think so. I mean,</p> <p>23 that's kind of a broad term.</p> <p>24 Q. Did you ever hear -- did you</p> <p>25 ever -- was the oversupply of eggs ever</p>
<p style="text-align: right;">Page 43</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And the oversupply of eggs,</p> <p>3 then, has been an issue from time to time for</p> <p>4 both the Midwest Egg Producers and the United</p> <p>5 Egg Producers. Is that correct?</p> <p>6 MS. LEVINE: Object to the form</p> <p>7 of the question.</p> <p>8 THE WITNESS: They're all the --</p> <p>9 the members were all the same whether</p> <p>10 they were members of Midwest or</p> <p>11 whether they became members of UEP.</p> <p>12 And, yes, there was always that</p> <p>13 concern.</p> <p>14 BY MR. SLIDDERS:</p> <p>15 Q. What did the UEP do about that</p> <p>16 concern?</p> <p>17 MS. LEVINE: Object to the form</p> <p>18 of the question.</p> <p>19 THE WITNESS: That was outside</p> <p>20 of my realm. I don't know.</p> <p>21 BY MR. SLIDDERS:</p> <p>22 Q. Do you know of Don Bell?</p> <p>23 A. I have met him. I know the</p> <p>24 name.</p> <p>25 Q. When did you first meet him?</p>	<p style="text-align: right;">Page 45</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 discussed by Mr. Gregory that you recall?</p> <p>3 MS. LEVINE: Object to the form</p> <p>4 of the question.</p> <p>5 THE WITNESS: When are you</p> <p>6 talking about?</p> <p>7 BY MR. SLIDDERS:</p> <p>8 Q. At any time.</p> <p>9 A. I'm sure that he did discuss</p> <p>10 that.</p> <p>11 Q. Did he discuss that with you?</p> <p>12 A. I don't recall that he</p> <p>13 specifically discussed that with me.</p> <p>14 Q. Did Mr. Pope ever discuss with</p> <p>15 you the oversupply of eggs?</p> <p>16 MS. LEVINE: Object to the form</p> <p>17 of the question.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 BY MR. SLIDDERS:</p> <p>20 Q. Do you know of any actions that</p> <p>21 the UEP took in regard to the supply of eggs?</p> <p>22 MS. LEVINE: Object to the form</p> <p>23 of the question.</p> <p>24 THE WITNESS: Again, I'm not</p> <p>25 sure how to answer that. There was</p>

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<p style="text-align: right;">Page 46</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 newsletters going out about all sorts</p> <p>3 of things. There was committee</p> <p>4 meetings, but, you know, that was just</p> <p>5 all happening over the years, and I</p> <p>6 don't know specifically.</p> <p>7 BY MR. SLIDDERS:</p> <p>8 Q. Did you ever -- what was your</p> <p>9 role -- you're familiar with United Voices?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have any role in the</p> <p>12 production of United Voices?</p> <p>13 A. No.</p> <p>14 Q. Did you -- who was responsible</p> <p>15 for circulating United Voices?</p> <p>16 MS. LEVINE: Object to the form</p> <p>17 of the question.</p> <p>18 THE WITNESS: I believe it was</p> <p>19 one of the secretaries down in the</p> <p>20 Georgia office.</p> <p>21 BY MR. SLIDDERS:</p> <p>22 Q. If you know -- do you know, was</p> <p>23 that done by a computer mass mailing, if you</p> <p>24 know?</p> <p>25 A. I believe that that evolved</p>	<p style="text-align: right;">Page 48</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. How did the Animal Welfare</p> <p>3 Guidelines come about?</p> <p>4 MS. LEVINE: Object to the form</p> <p>5 of the question. To the extent this</p> <p>6 witness knows.</p> <p>7 THE WITNESS: As far as I</p> <p>8 remember and recall, it was because</p> <p>9 people were concerned about the</p> <p>10 welfare of the animals.</p> <p>11 BY MR. SLIDDERS:</p> <p>12 Q. Did you have any particular</p> <p>13 responsibility or role with regard to the</p> <p>14 welfare guidelines?</p> <p>15 A. Not the guidelines, no.</p> <p>16 Q. With regard to the Animal Care</p> <p>17 Certification Program?</p> <p>18 A. I billed for fees for the</p> <p>19 program and I went over the monthly reports</p> <p>20 that were sent in.</p> <p>21 MR. SLIDDERS: If I could just</p> <p>22 exhibit as Reickard Number 3 a</p> <p>23 document with Bates number UE0289553,</p> <p>24 and it's titled "Administrative Fee</p> <p>25 For Animal Care Certification."</p>
<p style="text-align: right;">Page 47</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 over the years. I think it started out being</p> <p>3 mailed, of course, and then I -- when I</p> <p>4 retired, I believe it was mostly going out</p> <p>5 electronically.</p> <p>6 Q. Do you know who was responsible</p> <p>7 for circulating it in the Georgia office?</p> <p>8 A. As far as I know, it was the</p> <p>9 secretary down there.</p> <p>10 Q. Who was that?</p> <p>11 A. At what time?</p> <p>12 Q. From the time from 1998 until</p> <p>13 2012, how many secretaries were employed by</p> <p>14 the UEP in the Georgia office?</p> <p>15 A. You know, I don't remember.</p> <p>16 There was several.</p> <p>17 Q. No problem.</p> <p>18 Are you familiar with the UEP</p> <p>19 Animal Welfare Guidelines?</p> <p>20 A. I know that there is a set of</p> <p>21 guidelines, and I have probably seen them,</p> <p>22 but not read them carefully.</p> <p>23 Q. You have read them?</p> <p>24 A. I don't remember if I -- I</p> <p>25 don't know if I read them completely or not.</p>	<p style="text-align: right;">Page 49</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 - - -</p> <p>3 (Exhibit Reickard-3,</p> <p>4 Administrative Fee For Animal Care</p> <p>5 Certification, Bates UE0289553, was</p> <p>6 marked for identification.)</p> <p>7 - - -</p> <p>8 BY MR. SLIDDERS:</p> <p>9 Q. Just take a moment to peruse</p> <p>10 that document, please, Mrs. Reickard.</p> <p>11 A. [Reviewing document.] Okay.</p> <p>12 Q. Can you identify this document?</p> <p>13 A. Yes. It's the piece of paper</p> <p>14 that I received so I had the information of</p> <p>15 the company name, address, the number of</p> <p>16 layers, so that I could invoice for fees.</p> <p>17 Q. And this would be the -- and</p> <p>18 was this the standard format that you used</p> <p>19 to -- as an invoice to collect the fees?</p> <p>20 A. I didn't use this as an</p> <p>21 invoice.</p> <p>22 Q. Sorry. Was this -- did you</p> <p>23 send this out to all UEP members, a document</p> <p>24 like this?</p> <p>25 A. The Georgia office did all of</p>

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<p style="text-align: right;">Page 50</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 that. I did not send anything out regarding</p> <p>3 that. All I ever received, that I can</p> <p>4 recall, was this page with the information</p> <p>5 that I needed for doing the accounting part.</p> <p>6 Q. Now, if you could go down to</p> <p>7 the third paragraph, please, and if you could</p> <p>8 read that third paragraph that begins with,</p> <p>9 "For Non-UEP Member...", could you read that</p> <p>10 into the record, please?</p> <p>11 A. "For Non-UEP Member: A base</p> <p>12 rate of \$400.00 per company plus a fee of</p> <p>13 .002 cents per hen for each company with more</p> <p>14 than 100,000 layers."</p> <p>15 Q. So non-UEP members could</p> <p>16 also -- would also pay the administrative fee</p> <p>17 for animal care certification. Is that</p> <p>18 correct?</p> <p>19 A. That is correct.</p> <p>20 Q. And they paid just a higher fee</p> <p>21 than UEP members. Is that correct?</p> <p>22 A. That is correct.</p> <p>23 Q. And with the -- you calculated</p> <p>24 the fee on the basis of the number of hens.</p> <p>25 Is that correct?</p>	<p style="text-align: right;">Page 52</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. The person that was applying to</p> <p>3 join the program.</p> <p>4 Q. So a producer. Is that</p> <p>5 correct?</p> <p>6 A. Yes, I assume so.</p> <p>7 Q. And the producer would fill out</p> <p>8 this number here for the number of layers.</p> <p>9 Is that correct?</p> <p>10 A. Well, I assumed that they did</p> <p>11 that, yes.</p> <p>12 Q. And you said you matched this</p> <p>13 up with other records of producer's hens. Is</p> <p>14 that correct?</p> <p>15 A. If it was a UEP member.</p> <p>16 Q. If it was a UEP member.</p> <p>17 A. Yes. The non-members, I would</p> <p>18 have nothing else to compare it to.</p> <p>19 Q. With the UEP members, what did</p> <p>20 you compare that number with?</p> <p>21 A. I have a dues list which our</p> <p>22 dues are based on layer numbers. So I would</p> <p>23 compare it with that.</p> <p>24 Q. And who provided the number of</p> <p>25 layers in the payment -- for payment of dues?</p>
<p style="text-align: right;">Page 51</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Yes, there was a base fee and</p> <p>3 then the rest of it was based on the number</p> <p>4 of hens.</p> <p>5 Q. And that number of hens, the</p> <p>6 additional fee on top of the base fee, was</p> <p>7 that calculated on the number of layers that</p> <p>8 was shown in the bottom right-hand corner by</p> <p>9 the producers? Is that correct?</p> <p>10 A. Yes. Now, if it was a</p> <p>11 member -- I always made sure that the layer</p> <p>12 numbers agreed with the layer numbers that I</p> <p>13 had on their -- as part of their membership</p> <p>14 because I was very careful about making sure</p> <p>15 that the layer numbers were the same across</p> <p>16 the board on all of our records for</p> <p>17 everything that I did.</p> <p>18 Q. And why did you do that?</p> <p>19 A. For accuracy.</p> <p>20 Q. But who advised you of the</p> <p>21 number of -- who filled out this form,</p> <p>22 generally speaking?</p> <p>23 MS. LEVINE: Reickard-3?</p> <p>24 BY MR. SLIDDERS:</p> <p>25 Q. Yes. That exhibit.</p>	<p style="text-align: right;">Page 53</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. The producer.</p> <p>3 Q. So the producer was responsible</p> <p>4 for providing both numbers. Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And the UEP dues were based on</p> <p>7 the number of hens that a producer had. Is</p> <p>8 that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And so was the animal care</p> <p>11 certification administrative fee?</p> <p>12 A. Yes.</p> <p>13 Q. Now, would it be in the</p> <p>14 interest of the producers to underestimate</p> <p>15 the number of hens that they had?</p> <p>16 MS. LEVINE: Object to the form</p> <p>17 of the question.</p> <p>18 THE WITNESS: I don't know why</p> <p>19 they would do that.</p> <p>20 BY MR. SLIDDERS:</p> <p>21 Q. Well, if they underestimated</p> <p>22 the number of hens they had, would they be</p> <p>23 paying less dues to the UEP?</p> <p>24 A. Yes.</p> <p>25 Q. And if they underestimated the</p>

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<p style="text-align: right;">Page 54</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 number of hens they had, would they be paying</p> <p>3 less of an administrative fee for animal care</p> <p>4 certification to the UEP?</p> <p>5 A. Yes, but I don't think these</p> <p>6 numbers were estimates. It was based on</p> <p>7 their capacity.</p> <p>8 Q. But who advised you of their</p> <p>9 capacity?</p> <p>10 A. They did.</p> <p>11 Q. Now, you mentioned earlier --</p> <p>12 if you just put that aside. You mentioned</p> <p>13 earlier that you were also responsible for</p> <p>14 monthly compliance. Is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Could you just tell me what you</p> <p>17 mean by "monthly compliance"?</p> <p>18 A. There was a four-page form that</p> <p>19 they were to fill out as a self check, and</p> <p>20 they were to send that in monthly to my</p> <p>21 office.</p> <p>22 MR. SLIDDERS: If I could</p> <p>23 exhibit another document entitled</p> <p>24 Reickard-4 with Bates number UE0284847</p> <p>25 to UE0284850. It's entitled UEP</p>	<p style="text-align: right;">Page 56</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 BY MR. SLIDDERS:</p> <p>3 Q. And so would producers complete</p> <p>4 this form?</p> <p>5 A. Someone in the producer's</p> <p>6 organization, yes.</p> <p>7 Q. And they would send that form,</p> <p>8 then, to the UEP?</p> <p>9 A. Yes.</p> <p>10 Q. Who would receive that form at</p> <p>11 the UEP?</p> <p>12 A. My office.</p> <p>13 MR. SLIDDERS: Now, if I could</p> <p>14 go to -- if I could exhibit another</p> <p>15 document. Another couple of documents</p> <p>16 actually. Firstly is Reickard Number</p> <p>17 5. This is Bates numbered MFI034415.</p> <p>18 - - -</p> <p>19 (Exhibit Reickard-5, 10/17/08</p> <p>20 Memorandum, Bates MFI034415 &amp;</p> <p>21 MFI034416, was marked for</p> <p>22 identification.)</p> <p>23 - - -</p> <p>24 BY MR. SLIDDERS:</p> <p>25 Q. Ms. Reickard, could you</p>
<p style="text-align: right;">Page 55</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Certified Guidelines Monthly</p> <p>3 Compliance Report.</p> <p>4 - - -</p> <p>5 (Exhibit Reickard-4, UEP</p> <p>6 Certified Guidelines Monthly</p> <p>7 Compliance Report, Bates UE0284847 -</p> <p>8 UE0284850, was marked for</p> <p>9 identification.)</p> <p>10 - - -</p> <p>11 BY MR. SLIDDERS:</p> <p>12 Q. Ms. Reickard, can you identify</p> <p>13 this document?</p> <p>14 A. Yes, this was the monthly</p> <p>15 compliance report.</p> <p>16 Q. And is this the form of</p> <p>17 document that you would use to identify</p> <p>18 compliance with the UEP Certified Guidelines?</p> <p>19 MS. LEVINE: Object to the form</p> <p>20 of the question.</p> <p>21 THE WITNESS: It was a report</p> <p>22 that they were supposed to do monthly</p> <p>23 to help them check to make sure that</p> <p>24 they were in compliance with the</p> <p>25 program.</p>	<p style="text-align: right;">Page 57</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 identify that document? Sorry, this is</p> <p>3 entitled -- this is a memorandum from Linda</p> <p>4 Reickard, Vice President to Tim Bebee of</p> <p>5 Michael Foods, with Subject: Capacity Layer</p> <p>6 Numbers, dated October 17, 2008.</p> <p>7 Ms. Reickard, could you</p> <p>8 identify this document?</p> <p>9 A. Yes, this is a letter that my</p> <p>10 office would have sent out.</p> <p>11 Q. And why would you send this</p> <p>12 letter out?</p> <p>13 A. Because one of my functions was</p> <p>14 to be sure that all of our bird numbers were</p> <p>15 accurate so that we could accurately invoice</p> <p>16 fees for all of our different programs.</p> <p>17 Q. And would you send this out to</p> <p>18 every member of the UEP?</p> <p>19 A. Yes.</p> <p>20 Q. And you would include -- see</p> <p>21 down the bottom of that you have the -- can</p> <p>22 you explain what that bottom table is for me,</p> <p>23 please?</p> <p>24 A. On this particular producer,</p> <p>25 Michael Foods, they had layers in several</p>

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<p style="text-align: right;">Page 58</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 different facilities. And I just kept a</p> <p>3 record of those different facilities so that</p> <p>4 we knew how many layers were in each state.</p> <p>5 Q. So where it says -- in the</p> <p>6 center column there where it has Wakefield,</p> <p>7 Nebraska, Le Sueur, Gaylord contract.</p> <p>8 They're Michael Foods facilities. Is that</p> <p>9 correct?</p> <p>10 MS. LEVINE: Can you repeat</p> <p>11 that?</p> <p>12 BY MR. SLIDDERS:</p> <p>13 Q. In the second column to the</p> <p>14 left where it has Wakefield, Nebraska, is it</p> <p>15 Le Sueur and Gaylord, and then contract and</p> <p>16 then contract South Dakota, contract</p> <p>17 Minnesota. Now, is Wakefield, Le Sueur and</p> <p>18 Gaylord, are they Michael Foods facilities?</p> <p>19 So they would be Michael Foods facilities.</p> <p>20 Is that correct?</p> <p>21 A. I believe so.</p> <p>22 Q. And is where it -- if you</p> <p>23 follow on after Gaylord, it has contract</p> <p>24 Iowa, contract South Dakota, contract</p> <p>25 Minnesota, contract Nebraska. Does that</p>	<p style="text-align: right;">Page 60</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Yes.</p> <p>3 Q. Thank you.</p> <p>4 Now, if we go back -- sorry to</p> <p>5 do this. If we can go back to Exhibit 4. If</p> <p>6 you look down, halfway down the page under</p> <p>7 "Housing and Space Allowances," and the first</p> <p>8 line, if you could read the first line into</p> <p>9 the record for me, please?</p> <p>10 A. "Were chicks hatched after</p> <p>11 April 1, 2005 housed as layers at 61 inches</p> <p>12 per white eggs or 68 inches for brown eggs?"</p> <p>13 Q. And then the next line?</p> <p>14 A. "Were chicks hatched after</p> <p>15 October 1, 2006 housed as layers at 64 inches</p> <p>16 for white eggs or 72 inches for brown eggs?"</p> <p>17 Q. The next line?</p> <p>18 A. "Were chicks hatched after</p> <p>19 April 1, 2008 housed as layers at 67 inches</p> <p>20 for white eggs or 76 inches for brown eggs?"</p> <p>21 Q. What were the -- is that the</p> <p>22 cage space allowance for each hen?</p> <p>23 MS. LEVINE: Object to the form</p> <p>24 of the question.</p> <p>25 BY MR. SLIDDERS:</p>
<p style="text-align: right;">Page 59</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 refer to contract egg producers that Michael</p> <p>3 Foods have contracted to supply eggs?</p> <p>4 MS. LEVINE: Object to the form</p> <p>5 of the question.</p> <p>6 BY MR. SLIDDERS:</p> <p>7 Q. If you know the answer.</p> <p>8 A. These were the contract</p> <p>9 producers that Michael Foods had in these</p> <p>10 different states.</p> <p>11 Q. This is a form of fax or</p> <p>12 memorandum that you would send all members on</p> <p>13 an annual basis?</p> <p>14 A. Yes.</p> <p>15 Q. And would the members, would</p> <p>16 the -- how would members reply to this</p> <p>17 memorandum or fax?</p> <p>18 A. In various ways. Some of them</p> <p>19 would send a letter back, say everything is</p> <p>20 okay. Some of them -- if it needed to be</p> <p>21 corrected, they would correct it. Some would</p> <p>22 call. So it just depended on how they wanted</p> <p>23 to get back to me.</p> <p>24 Q. So it was up to the producers</p> <p>25 to respond and clarify their flock numbers?</p>	<p style="text-align: right;">Page 61</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Why are those questions</p> <p>3 relevant?</p> <p>4 A. Because we were concerned with</p> <p>5 humane practices.</p> <p>6 Q. What does the 61 inches refer</p> <p>7 to?</p> <p>8 A. The amount of spaces in a cage.</p> <p>9 Q. For?</p> <p>10 A. For the hens.</p> <p>11 Q. Then why did it change from</p> <p>12 2005 to October 2006 and then to April 1,</p> <p>13 2008?</p> <p>14 A. Because they knew they had to</p> <p>15 gradually bring this process.</p> <p>16 Q. Why was it gradual?</p> <p>17 A. Because they wouldn't have been</p> <p>18 able to do it all at once.</p> <p>19 Q. Now, if a producer was to</p> <p>20 respond -- if you look down in the columns</p> <p>21 next to that, it has yes or no columns. Do</p> <p>22 you see that?</p> <p>23 A. Yes.</p> <p>24 Q. And if a producer, say for the</p> <p>25 first question checked yes, would that mean</p>

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<p style="text-align: right;">Page 62</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 that the chicks hatched after April 1, his</p> <p>3 chicks hatched after April 1 were housed as</p> <p>4 layers at 61 inches for white eggs or</p> <p>5 68 inches for brown eggs? Is that correct?</p> <p>6 MS. LEVINE: Object to the form</p> <p>7 of the question.</p> <p>8 THE WITNESS: Are you asking why</p> <p>9 this producer marked no or --</p> <p>10 BY MR. SLIDDERS:</p> <p>11 Q. No, just generally. Is it fair</p> <p>12 to say -- this is the standard form that you</p> <p>13 would send out as a monthly compliance</p> <p>14 report. Is that correct?</p> <p>15 A. At this time it was, yes.</p> <p>16 Q. Did it change?</p> <p>17 A. I believe it did change over</p> <p>18 the years, yes.</p> <p>19 Q. Did it still have the same</p> <p>20 basic information?</p> <p>21 A. I believe so.</p> <p>22 Q. So if a producer provided hens</p> <p>23 with 61 inches or 64 inches or 67 inches as</p> <p>24 required, as stated in those first three</p> <p>25 sentences, he would simply check yes. Is</p>	<p style="text-align: right;">Page 64</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 were gone out of this house and they brought</p> <p>3 new ones in.</p> <p>4 Q. But then they would -- they</p> <p>5 would have other -- would they -- would the</p> <p>6 producer have other houses with other layers?</p> <p>7 A. If it was a small producer, he</p> <p>8 might not. This might be his only house.</p> <p>9 Big producers would have had numerous houses.</p> <p>10 Q. So if we start with the</p> <p>11 left-hand column, then, we have the layer</p> <p>12 house number, and that is where you would</p> <p>13 identify the facility. Is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And then "White Or Brown," I</p> <p>16 assume that refers to the egg?</p> <p>17 A. Yes.</p> <p>18 Q. Then the "Location" is the</p> <p>19 location. The "Hatch Date" would be the</p> <p>20 hatching date of the chicks. Is that</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Indicate cage or cage free is</p> <p>24 self-explanatory.</p> <p>25 Now, the next column has total</p>
<p style="text-align: right;">Page 63</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And the producer would do that.</p> <p>5 Is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Now, if you turn to page 3 of</p> <p>8 the document, and it has a table under the</p> <p>9 heading of "NEW LAYERS." Do you see that in</p> <p>10 front of you?</p> <p>11 A. Yes.</p> <p>12 Q. Could you just explain this</p> <p>13 table to me?</p> <p>14 A. If they housed layers that</p> <p>15 month, this is the -- they filled out this</p> <p>16 section.</p> <p>17 Q. And when you say whether they</p> <p>18 housed layers that month, was that their</p> <p>19 total number of layers?</p> <p>20 A. Just for the -- just for any</p> <p>21 houses that they put new layers in that</p> <p>22 month.</p> <p>23 Q. Is this -- when you say "new</p> <p>24 layers," what do you mean?</p> <p>25 A. I mean the house, the chickens</p>	<p style="text-align: right;">Page 65</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 square inch of cage space in house under that</p> <p>3 column. Now, would the producer fill that</p> <p>4 column out as -- when you say total square</p> <p>5 inch of cage space in a house, are you</p> <p>6 talking about the square inches available for</p> <p>7 chickens in the entire house?</p> <p>8 A. Yes.</p> <p>9 Q. And then when you say, "Layers</p> <p>10 Housed THIS MONTH ONLY," you're referring</p> <p>11 only to new layers. Is that correct?</p> <p>12 MS. LEVINE: Object to the form</p> <p>13 of the question.</p> <p>14 THE WITNESS: New layers or</p> <p>15 if -- I suppose they could have</p> <p>16 brought some in from a different house</p> <p>17 for some reason, but...</p> <p>18 BY MR. SLIDDERS:</p> <p>19 Q. So does that refer, then, to</p> <p>20 additional layers?</p> <p>21 A. No.</p> <p>22 Q. If you had a henhouse with</p> <p>23 100,000 hens in it, and then in September</p> <p>24 they added 10,000 hens to that henhouse,</p> <p>25 would they fill out -- what would they put in</p>

17 (Pages 62 - 65)

<p style="text-align: right;">Page 66</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 this form here for September?</p> <p>3 A. They wouldn't have put anything</p> <p>4 in this section. They would have put down</p> <p>5 below under the incomplete house because</p> <p>6 obviously they didn't have the house full the</p> <p>7 month before. So they would have --</p> <p>8 Q. So would you only fill this</p> <p>9 first section up when you were putting layers</p> <p>10 into a new house?</p> <p>11 A. A newly built house?</p> <p>12 Q. Yes.</p> <p>13 A. No.</p> <p>14 Q. You would only use this if you</p> <p>15 were adding layers to the existing house?</p> <p>16 A. To an existing house or a new</p> <p>17 house. Any facility that they put new birds</p> <p>18 into, whether they were brand new pullets or</p> <p>19 chickens ready to lay eggs or if they moved</p> <p>20 them from somewhere else.</p> <p>21 Q. But why wouldn't that be an</p> <p>22 incomplete house?</p> <p>23 MS. LEVINE: Object to the form</p> <p>24 of the question.</p> <p>25 THE WITNESS: If they didn't</p>	<p style="text-align: right;">Page 68</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And then you would fill out</p> <p>3 this column here?</p> <p>4 A. Yes.</p> <p>5 Q. Hold on to that exhibit.</p> <p>6 MR. SLIDDERS: If I could</p> <p>7 exhibit another document as Exhibit</p> <p>8 Number Reickard-6 which is UE0515976</p> <p>9 to UE015 -- 515977 which is an e-mail</p> <p>10 dated October 14, 2005, to Joe Fortin</p> <p>11 from Linda Reickard, enclosing a</p> <p>12 memorandum to Joe Fortin from Linda</p> <p>13 Reickard with the subject of "Capacity</p> <p>14 Layer Numbers," October 14, 2005.</p> <p>15 - - -</p> <p>16 (Exhibit Reickard-6, 10/14/05</p> <p>17 E-mail with attachment, Bates</p> <p>18 UE0515976 &amp; UE0515977, was marked for</p> <p>19 identification.)</p> <p>20 - - -</p> <p>21 BY MR. SLIDDERS:</p> <p>22 Q. Now, Ms. Reickard, can you</p> <p>23 identify this document?</p> <p>24 A. Can I read it first?</p> <p>25 Q. Sure. Sorry.</p>
<p style="text-align: right;">Page 67</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 fill the house up that month.</p> <p>3 BY MR. SLIDDERS:</p> <p>4 Q. Right. You said before, I'm</p> <p>5 just trying to work this out for myself.</p> <p>6 That in the second table here, if the farm</p> <p>7 had added 10,000 layers in September to its</p> <p>8 existing 100,000 layers, that would be</p> <p>9 included in the second table below that under</p> <p>10 INCOMPLETE HOUSE OR BACKFILLED HOUSE. Is</p> <p>11 that correct?</p> <p>12 A. Yes.</p> <p>13 Q. But there would be nothing</p> <p>14 filled in in the previous table. Is that</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. So when would you -- in that</p> <p>18 scenario, then, when would you include</p> <p>19 anything in this column "Layers Housed THIS</p> <p>20 MONTH ONLY"? Would the house have to have</p> <p>21 been empty?</p> <p>22 A. Yes.</p> <p>23 Q. So it would be a totally empty</p> <p>24 house?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 69</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. [Reviewing document.] Okay.</p> <p>3 Q. Now, I think you testified</p> <p>4 earlier that you used the -- it was a</p> <p>5 capacity of henhouses that were used for the</p> <p>6 UEP dues and the ACC administrative fee. Is</p> <p>7 that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And so can you identify this</p> <p>10 document?</p> <p>11 A. Yes.</p> <p>12 Q. And what is it?</p> <p>13 A. In October we would verify with</p> <p>14 all of our members, whether they be members</p> <p>15 of UEP or members of certified program, their</p> <p>16 capacity numbers so that when I did</p> <p>17 invoicing, the invoices were correct and I</p> <p>18 would not have to make adjusting entries.</p> <p>19 Q. And when you have -- if you go</p> <p>20 to the third paragraph, it says, "The</p> <p>21 capacity layer numbers we show for your</p> <p>22 operation...," and then you have I assume</p> <p>23 there a list of Moark facilities with a</p> <p>24 capacity of their hens. Is that correct?</p> <p>25 A. That's correct.</p>

18 (Pages 66 - 69)

<p style="text-align: right;">Page 70</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And to derive that number</p> <p>3 there, the capacity of the hens, how would</p> <p>4 you come up with that number in October?</p> <p>5 A. That would have been the number</p> <p>6 that I had on my records already.</p> <p>7 Q. Now, what records would they</p> <p>8 have been?</p> <p>9 A. My dues.</p> <p>10 Q. From the previous year?</p> <p>11 A. From the previous year.</p> <p>12 Q. Then would you use these forms</p> <p>13 here? These -- if we go back to Exhibit 4,</p> <p>14 would you use these forms?</p> <p>15 A. No.</p> <p>16 Q. Not at all? So what other --</p> <p>17 how would you have gotten information of any</p> <p>18 increase in capacity during the year?</p> <p>19 A. Sometimes staff would let me</p> <p>20 know that they had visited someone and that</p> <p>21 they had built a new house and they were just</p> <p>22 making me aware that there would be a change</p> <p>23 in bird numbers. Sometimes they would know</p> <p>24 how many it was or just alert me to the fact</p> <p>25 that I needed to be sure to check.</p>	<p style="text-align: right;">Page 72</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 - - -</p> <p>3 (A recess was taken.)</p> <p>4 - - -</p> <p>5 VIDEOGRAPHER: The time is</p> <p>6 approximately 10:52 a.m. This begins</p> <p>7 tape two. We're back on the record.</p> <p>8 BY MR. SLIDDERS:</p> <p>9 Q. Mrs. Reickard, we've been</p> <p>10 discussing the collection of dues by the UEP</p> <p>11 and how that was based on the layer capacity</p> <p>12 of egg producers. Is that correct?</p> <p>13 A. That's correct.</p> <p>14 Q. Was it ever based on the number</p> <p>15 of, the actual number of layers?</p> <p>16 A. No.</p> <p>17 Q. It has always been based on</p> <p>18 capacity rather than layers?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever requested</p> <p>21 documentary evidence of the capacity size of</p> <p>22 the facilities, of producers' facilities?</p> <p>23 A. I haven't ever requested that.</p> <p>24 Q. Do you know whether anyone at</p> <p>25 the UEP has?</p>
<p style="text-align: right;">Page 71</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. So there wasn't any formal --</p> <p>3 apart from these -- this is a pro forma style</p> <p>4 of letter that you sent to all members?</p> <p>5 MS. LEVINE: Object to the form</p> <p>6 of the question. Mischaracterizes</p> <p>7 this witness' specific testimony.</p> <p>8 BY MR. SLIDDERS:</p> <p>9 Q. Did you send a form like this</p> <p>10 to all members in October generally speaking?</p> <p>11 A. I can't remember when we</p> <p>12 started doing it in this way, but as I did</p> <p>13 this job over the years, I would make it more</p> <p>14 sophisticated, easier for us to handle, less</p> <p>15 paperwork. By the time I was into 2012, this</p> <p>16 definitely was the way we did it, sent it to</p> <p>17 all the members to verify numbers.</p> <p>18 Q. Thank you.</p> <p>19 Do you want to take a break?</p> <p>20 MR. SLIDDERS: Can we go off the</p> <p>21 record, please?</p> <p>22 MS. LEVINE: Sure.</p> <p>23 VIDEOGRAPHER: The time is</p> <p>24 approximately 10:36 a.m. This ends</p> <p>25 the tape. We're now off the record.</p>	<p style="text-align: right;">Page 73</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. I would not know that.</p> <p>3 Q. Now, did you ever request or</p> <p>4 receive documentation from producers</p> <p>5 concerning the number of layers that they</p> <p>6 had, the number of hens?</p> <p>7 A. Say that again?</p> <p>8 Q. Did you ever request producers</p> <p>9 to verify the number of hens they had?</p> <p>10 A. To verify? No, I didn't.</p> <p>11 Q. Do you know of anyone at the</p> <p>12 UEP who did?</p> <p>13 A. I don't know that.</p> <p>14 Q. Did you ever request or receive</p> <p>15 any evidence of producers egg shell sales,</p> <p>16 shell egg sales?</p> <p>17 A. Shell egg what?</p> <p>18 Q. Sales. Sales.</p> <p>19 A. I'm sorry, I'm from the</p> <p>20 Midwest.</p> <p>21 Q. I'm sorry, I'm from Australia.</p> <p>22 A. All right. Now that I know</p> <p>23 that word, say it one more time, please.</p> <p>24 Q. I've forgotten.</p> <p>25 - - -</p>



<p style="text-align: right;">Page 74</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 (The court reporter read the</p> <p>3 pertinent part of the record.)</p> <p>4 - - -</p> <p>5 THE WITNESS: No, I don't think</p> <p>6 so.</p> <p>7 BY MR. SLIDDERS:</p> <p>8 Q. Do you know whether the UEP did</p> <p>9 or not?</p> <p>10 A. Evidence of their egg sales. I</p> <p>11 don't know.</p> <p>12 Q. So in collecting the dues and</p> <p>13 the ACC administrative fees, you relied -- I</p> <p>14 think you testified that you relied solely on</p> <p>15 the flock -- the capacity of the producers.</p> <p>16 Is that correct?</p> <p>17 MS. LEVINE: Object to the form</p> <p>18 of the question.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. SLIDDERS:</p> <p>21 Q. And you determined the flock</p> <p>22 capacity solely by the producers' statements</p> <p>23 as to what their flock capacity was?</p> <p>24 MS. LEVINE: Object to the form</p> <p>25 of the question. Mischaracterizes the</p>	<p style="text-align: right;">Page 76</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 BY MR. SLIDDERS:</p> <p>3 Q. Now, did you keep records of</p> <p>4 the flock capacity in a spreadsheet form --</p> <p>5 A. Yes.</p> <p>6 Q. -- for each producer?</p> <p>7 And did you record layer</p> <p>8 numbers in the same spreadsheet?</p> <p>9 A. Yes.</p> <p>10 Q. And were they different figures</p> <p>11 generally?</p> <p>12 A. Different figures from what?</p> <p>13 Q. In the spreadsheet you would</p> <p>14 record the producer's capacity?</p> <p>15 A. Yes.</p> <p>16 Q. And the producer's number of</p> <p>17 layers, actual number of layers?</p> <p>18 A. No.</p> <p>19 Q. Did you produce those</p> <p>20 spreadsheets in this litigation?</p> <p>21 MS. LEVINE: To the extent the</p> <p>22 witness knows. Did you produce all</p> <p>23 your documents in this litigation to</p> <p>24 counsel?</p> <p>25 THE WITNESS: I still don't know</p>
<p style="text-align: right;">Page 75</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 witness' testimony.</p> <p>3 THE WITNESS: Yes.</p> <p>4 Communication with the producers or</p> <p>5 the person in charge of the layers in</p> <p>6 the facilities.</p> <p>7 BY MR. SLIDDERS:</p> <p>8 Q. But you didn't go and verify</p> <p>9 the number of layers or the capacity of the</p> <p>10 houses?</p> <p>11 A. No, I did not.</p> <p>12 Q. Do you know of anyone at the</p> <p>13 UEP who did?</p> <p>14 A. We have member services</p> <p>15 directors who visited members all the time.</p> <p>16 I do not know what they did on those visits.</p> <p>17 Q. But as far as you know, the</p> <p>18 only verification of the capacity of</p> <p>19 producers' facilities was provided by the</p> <p>20 producer?</p> <p>21 MS. LEVINE: Object to the form</p> <p>22 of the question. Mischaracterizes</p> <p>23 what the witness just testified to.</p> <p>24 THE WITNESS: What they told me</p> <p>25 is what I relied on, yes.</p>	<p style="text-align: right;">Page 77</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 what you mean. I mean, they come --</p> <p>3 they came in and copied everything in</p> <p>4 my office.</p> <p>5 BY MR. SLIDDERS:</p> <p>6 Q. Were you advised to do a</p> <p>7 search -- was a search undertaken of your</p> <p>8 e-mail accounts?</p> <p>9 A. My whole computer, yes.</p> <p>10 Q. What e-mail accounts were they?</p> <p>11 What were the e-mail addresses associated</p> <p>12 with those accounts?</p> <p>13 A. lindareickard@ins.net. I think</p> <p>14 that was the one that I had when I started</p> <p>15 with UEP, I believe.</p> <p>16 Q. Did you ever have an e-mail</p> <p>17 address that was @uep.com?</p> <p>18 A. No.</p> <p>19 Q. So you always used that</p> <p>20 lindareickard@ins.net number?</p> <p>21 A. I always used that one, yes.</p> <p>22 Q. Now, if we can go back to the</p> <p>23 trading program, you testified earlier today,</p> <p>24 I believe, that anyone could initiate a trade</p> <p>25 under the Egg Trading Program. Is that</p>

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 correct?</p> <p>3 A. When you say "initiate," you</p> <p>4 mean make a call to a trader?</p> <p>5 Q. Yes.</p> <p>6 A. Yes.</p> <p>7 Q. So a non-member could initiate</p> <p>8 a trade. Is that correct?</p> <p>9 MS. LEVINE: Asked and answered.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. SLIDDERS:</p> <p>12 Q. And could a non-member producer</p> <p>13 sell eggs, initiate a trade to sell eggs?</p> <p>14 A. Yes.</p> <p>15 Q. And could a non-producer</p> <p>16 initiate a trade to sell eggs?</p> <p>17 MS. LEVINE: Object to the form</p> <p>18 of the question.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. SLIDDERS:</p> <p>21 Q. Did the UEP -- was the UEP</p> <p>22 compensated for facilitating a trade?</p> <p>23 MS. LEVINE: Asked and answered.</p> <p>24 THE WITNESS: Yes, we charged a</p> <p>25 commission.</p>	<p style="text-align: right;">Page 80</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 BY MR. SLIDDERS:</p> <p>3 Q. Ms. Reickard, can you identify</p> <p>4 this document?</p> <p>5 A. May I read it first?</p> <p>6 Q. Of course.</p> <p>7 A. [Reviewing document.] Okay. I</p> <p>8 do recognize this.</p> <p>9 Q. And is this the same sort of</p> <p>10 letter you would send to producers after you</p> <p>11 received their monthly compliance report?</p> <p>12 A. If I discovered that there was</p> <p>13 an issue with the number of layers, then,</p> <p>14 yes, it is.</p> <p>15 Q. When you say when there is an</p> <p>16 issue with the number of layers, what do you</p> <p>17 mean?</p> <p>18 A. I mean I would have calculated</p> <p>19 the total square inches of cage space in the</p> <p>20 house by the number of -- for instance, the</p> <p>21 64 square inches or 67, whatever was required</p> <p>22 at that time, to see how many layers they</p> <p>23 should -- the most amount of layers that they</p> <p>24 should have. And if the numbers they</p> <p>25 reported exceeded this, then I would send</p>
<p style="text-align: right;">Page 79</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 BY MR. SLIDDERS:</p> <p>3 Q. Were the traders employed by</p> <p>4 the UEP obligated to seek the highest price</p> <p>5 in negotiating a trade?</p> <p>6 MS. LEVINE: Object to the form</p> <p>7 of the question. To the extent this</p> <p>8 witness knows.</p> <p>9 THE WITNESS: I don't know what</p> <p>10 they did.</p> <p>11 MR. SLIDDERS: If we could go</p> <p>12 back to the table which I believe is</p> <p>13 Exhibit 5, and then if we could</p> <p>14 exhibit another document, UE -- this</p> <p>15 is a document entitled, it's a memo</p> <p>16 dated April 30. It's a memorandum to</p> <p>17 John Glessner from Linda Reickard,</p> <p>18 with the subject "UEP Certification,"</p> <p>19 April 30 -- dated April 30, 2007, and</p> <p>20 it's marked as Exhibit Number 7.</p> <p>21 - - -</p> <p>22 (Exhibit Reickard-7, 4/30/07</p> <p>23 Memo, Bates UE0282286, was marked for</p> <p>24 identification.)</p> <p>25 - - -</p>	<p style="text-align: right;">Page 81</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 them a letter alerting them to the facts that</p> <p>3 there could be a problem when their audit</p> <p>4 came up.</p> <p>5 Q. In that spreadsheet that we</p> <p>6 just spoke about, did you also record in that</p> <p>7 spreadsheet the total square inches of cage</p> <p>8 space in each house?</p> <p>9 A. No.</p> <p>10 MS. LEVINE: Objection to the</p> <p>11 form. You mean the dues list? Is</p> <p>12 that what you're talking about?</p> <p>13 MR. SLIDDERS: Yes.</p> <p>14 THE WITNESS: No.</p> <p>15 BY MR. SLIDDERS:</p> <p>16 Q. Where did you get the</p> <p>17 information regarding the total square inches</p> <p>18 in each cage, of cage space in each house?</p> <p>19 A. On these monthly reports</p> <p>20 whenever they reported that they housed</p> <p>21 layers that month.</p> <p>22 Q. But they only got that</p> <p>23 information, as I understand it, if they were</p> <p>24 housing new layers. Is that correct?</p> <p>25 A. Yes.</p>

21 (Pages 78 - 81)



<p style="text-align: right;">Page 82</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Although housing an</p> <p>3 incomplete -- although putting hens into an</p> <p>4 incomplete house. Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. So where did you get the</p> <p>7 initial cage space, inches of cage space for</p> <p>8 each producer?</p> <p>9 A. On this report.</p> <p>10 Q. So you would always fill in the</p> <p>11 total square inches of cage space in this</p> <p>12 house -- in the house, even if you are not</p> <p>13 adding layers?</p> <p>14 MS. LEVINE: Objection to the</p> <p>15 form of the question.</p> <p>16 BY MR. SLIDDERS:</p> <p>17 Q. Could you explain -- sorry,</p> <p>18 withdrawn. Withdraw all that.</p> <p>19 Could you just explain to me</p> <p>20 where you got -- where the figure for the</p> <p>21 total square inches in a house comes from?</p> <p>22 A. They write it down.</p> <p>23 Q. Just solely in this report?</p> <p>24 A. I don't know where else they</p> <p>25 write it down, but for my purposes that's</p>	<p style="text-align: right;">Page 84</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And where would you get the</p> <p>3 figure of the layer numbers they had?</p> <p>4 A. They wrote it in in the last</p> <p>5 column, layers housed this month only.</p> <p>6 Q. So that figure was an average.</p> <p>7 Is that correct?</p> <p>8 MS. LEVINE: Object to the form</p> <p>9 of the question.</p> <p>10 THE WITNESS: Not that -- I</p> <p>11 think that was their actual figure as</p> <p>12 far as I know.</p> <p>13 BY MR. SLIDDERS:</p> <p>14 Q. Let me put it another way.</p> <p>15 You don't know whether every</p> <p>16 hen had 64 square inches on Mr. Glessner's</p> <p>17 property, do you, cage space allowance?</p> <p>18 MS. LEVINE: Object to the form</p> <p>19 of the question.</p> <p>20 THE WITNESS: I don't know</p> <p>21 anything about what he had for sure.</p> <p>22 I just go by what was written on the</p> <p>23 form.</p> <p>24 BY MR. SLIDDERS:</p> <p>25 Q. And the way you calculated</p>
<p style="text-align: right;">Page 83</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 where I got it, yes.</p> <p>3 Q. So if you look at that letter</p> <p>4 to Mr. Glessner and you said in the next</p> <p>5 paragraph that, if you look at the third</p> <p>6 sentence there, it says, "To be at 64 square</p> <p>7 inches you should have no more than 151,040</p> <p>8 birds in house 10, 152,500 in house 11, and</p> <p>9 152,500 in house 16 and you listed 158,450 in</p> <p>10 house 10, 159,517 in house 11, and 160,000 in</p> <p>11 house 16 putting you over the allotted</p> <p>12 allowance by 7,410, 7,017 and 7,500 layers</p> <p>13 respectively."</p> <p>14 Do you see where it says that?</p> <p>15 A. Yes.</p> <p>16 Q. How would you come to that</p> <p>17 calculation?</p> <p>18 A. They would have had the total</p> <p>19 square inches of cage space in house filled</p> <p>20 in, and I would have multiplied that by the</p> <p>21 number that they were allowed, either the 64</p> <p>22 or the 67, depending on when it was. And</p> <p>23 then I -- my figure, I compare that to the</p> <p>24 figure that they wrote in, the layer numbers</p> <p>25 that they had.</p>	<p style="text-align: right;">Page 85</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 whether he was in compliance or not was</p> <p>3 whether the number of hens had -- the number</p> <p>4 of hens in total averaged 64 inches or more</p> <p>5 compared to the total cage space within that</p> <p>6 facility. Is that correct?</p> <p>7 MS. LEVINE: Object to the form</p> <p>8 of the question.</p> <p>9 THE WITNESS: I believe that's</p> <p>10 correct.</p> <p>11 BY MR. SLIDDERS:</p> <p>12 Q. So you don't actually know</p> <p>13 whether in one particular cage there was -- a</p> <p>14 hen had more than 64 square inches or not?</p> <p>15 A. No, I do not know that.</p> <p>16 MR. SLIDDERS: If I could</p> <p>17 exhibit now Exhibit Reickard-8. It is</p> <p>18 a document with Bates number UE0153388</p> <p>19 to UE0153390. It's entitled, "UEP</p> <p>20 Animal Welfare Committee October 9,</p> <p>21 2002 Savannah, Georgia MINUTES."</p> <p>22 - - -</p> <p>23 (Exhibit Reickard-8, UEP Animal</p> <p>24 Welfare Committee October 9, 2002</p> <p>25 Savannah, Georgia MINUTES, Bates</p>

22 (Pages 82 - 85)

<p style="text-align: right;">Page 86</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 UE0153388 - UE0153390, was marked for</p> <p>3 identification.)</p> <p>4 - - -</p> <p>5 BY MR. SLIDDERS:</p> <p>6 Q. Please take your time to look</p> <p>7 at those minutes.</p> <p>8 A. [Reviewing document.]</p> <p>9 Q. Ms. Reickard, can you identify</p> <p>10 this document?</p> <p>11 A. It looks like it's the minutes</p> <p>12 of the Animal Welfare Committee on</p> <p>13 October 9th of 2002 in Savannah, Georgia.</p> <p>14 Q. If you look under the UEP</p> <p>15 members, staff and guests involved, if you go</p> <p>16 to the third last line, is that your name on</p> <p>17 the third last line?</p> <p>18 A. Yes, it is.</p> <p>19 Q. So were you in attendance at</p> <p>20 this meeting?</p> <p>21 MS. LEVINE: Object to the form</p> <p>22 of the question.</p> <p>23 THE WITNESS: According to these</p> <p>24 minutes I was. I don't remember.</p> <p>25 BY MR. SLIDDERS:</p>	<p style="text-align: right;">Page 88</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And you would send them even if</p> <p>3 they were one bird over the allowable cage</p> <p>4 space limit?</p> <p>5 A. I did.</p> <p>6 Q. Why?</p> <p>7 A. To let them know that there</p> <p>8 could be a problem. I mean, that was my job.</p> <p>9 If they were even one over, I was to let them</p> <p>10 know.</p> <p>11 Q. Did you ever send any producers</p> <p>12 letters about beak trimming?</p> <p>13 A. I don't think so.</p> <p>14 Q. Did you ever send any producers</p> <p>15 letters about forced molting?</p> <p>16 A. I don't think so.</p> <p>17 Q. So just so I'm clear, if, for</p> <p>18 example, Moark had a flock of 10 million</p> <p>19 birds, and they had one bird that -- over the</p> <p>20 cage space allowance in accordance with those</p> <p>21 calculations that you described to me</p> <p>22 earlier, you would send them a letter</p> <p>23 advising them that they were over the limit.</p> <p>24 Is that correct?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 87</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. You don't recall being at this</p> <p>3 meeting?</p> <p>4 A. No.</p> <p>5 Q. If we could turn to page 3, if</p> <p>6 you go about a third of the way down the page</p> <p>7 that has in bold and underlined, "Monthly</p> <p>8 Compliance Reports." Could you, please, read</p> <p>9 that paragraph into the record?</p> <p>10 A. "Reickard reported on the</p> <p>11 number of companies that had filed their</p> <p>12 August compliance report and announced that</p> <p>13 some changes were being made to the reporting</p> <p>14 form. She announced that letters had been</p> <p>15 sent to companies that were even one bird</p> <p>16 over the allowable limit to meet the space</p> <p>17 requirements."</p> <p>18 Q. Do you recall making that</p> <p>19 report?</p> <p>20 A. I don't.</p> <p>21 Q. Do you recall sending letters</p> <p>22 to producers who were even one bird over the</p> <p>23 allowable limit of cage space requirements?</p> <p>24 A. Yes. You've seen copies of the</p> <p>25 letters that I have sent to people.</p>	<p style="text-align: right;">Page 89</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. If you alerted a producer that</p> <p>3 they were over the cage space allowance</p> <p>4 limit, what did -- and the -- did the</p> <p>5 producer generally respond?</p> <p>6 A. I can't say that they all 100</p> <p>7 percent responded. If there was a typo or</p> <p>8 they had picked up the wrong number of birds,</p> <p>9 then they would correct their form and sent</p> <p>10 it back to me.</p> <p>11 Q. And what would you do if they</p> <p>12 didn't respond?</p> <p>13 A. Nothing.</p> <p>14 Q. Bear with me one moment. Sorry</p> <p>15 about that.</p> <p>16 Ms. Reickard, can you recall</p> <p>17 the Eggs Economic Summit in 2004?</p> <p>18 A. When?</p> <p>19 Q. In 2004, November 2004.</p> <p>20 A. I don't recall it.</p> <p>21 Q. Do you recall attending it?</p> <p>22 A. I don't remember if I did or</p> <p>23 not.</p> <p>24 MR. SLIDDERS: If I could just</p> <p>25 exhibit a letter to -- this is what</p>

23 (Pages 86 - 89)

<p style="text-align: right;">Page 90</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 appears to be a pro forma letter dated</p> <p>3 November 18, 2004, with a Bates number</p> <p>4 UE0176038 with the United Egg</p> <p>5 Producers logo on the top. And it's</p> <p>6 Exhibit Number 9.</p> <p>7 - - -</p> <p>8 (Exhibit Reickard-9, 11/18/04</p> <p>9 Letter, Bates UE0176038 - UE0176043,</p> <p>10 was marked for identification.)</p> <p>11 - - -</p> <p>12 BY MR. SLIDDERS:</p> <p>13 Q. Ms. Reickard, can you identify</p> <p>14 this document?</p> <p>15 A. No, it didn't come from my</p> <p>16 office.</p> <p>17 Q. Could you just read through the</p> <p>18 document and see if that refreshes your</p> <p>19 memory about the Eggs Economic Summit?</p> <p>20 A. [Reviewing document.] Okay,</p> <p>21 I've read it.</p> <p>22 Q. Did that help refresh your</p> <p>23 memory about attending the Atlanta Eggs</p> <p>24 Economic Summit?</p> <p>25 A. I don't believe I did.</p>	<p style="text-align: right;">Page 92</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. I do.</p> <p>3 Q. And can you ever -- do you</p> <p>4 recall ever discussing the supply side of the</p> <p>5 business with Mr. Gregory or anyone else at</p> <p>6 the UEP?</p> <p>7 MS. LEVINE: Object to the form</p> <p>8 of the question. Asked and answered</p> <p>9 this morning.</p> <p>10 THE WITNESS: Not that I</p> <p>11 remember.</p> <p>12 BY MR. SLIDDERS:</p> <p>13 Q. If we go to the next paragraph,</p> <p>14 it says, when then asked the attendees if</p> <p>15 they wanted to be a part of the solution in</p> <p>16 managing the supply to meet an expected</p> <p>17 demand -- we then asked the attendees if they</p> <p>18 wanted to be part of the solution in managing</p> <p>19 the supply to make an expected demand. Did</p> <p>20 you ever discuss a solution to managing</p> <p>21 supply with any producers?</p> <p>22 MS. LEVINE: Object to the form</p> <p>23 of the question.</p> <p>24 THE WITNESS: Not that I recall.</p> <p>25 That was not part of my job.</p>
<p style="text-align: right;">Page 91</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. You did not attend the Eggs</p> <p>3 Economic Summit?</p> <p>4 A. I don't think so.</p> <p>5 Q. Now, if we could -- did you</p> <p>6 attend by phone at all?</p> <p>7 MS. LEVINE: Object to the form</p> <p>8 of the question.</p> <p>9 THE WITNESS: No, I would not</p> <p>10 have done that.</p> <p>11 BY MR. SLIDDERS:</p> <p>12 Q. Were you responsible for</p> <p>13 organizing the summit, can you recall?</p> <p>14 A. I probably was because that was</p> <p>15 my duty. I don't remember this specific</p> <p>16 meeting. But you know...</p> <p>17 Q. If we turn to page 2 of that</p> <p>18 document, in the last bullet point on that</p> <p>19 page in the first sentence where it says,</p> <p>20 "UEP presented a bleak over-view of the</p> <p>21 supply side of the business and the pending</p> <p>22 problems with an ever-increasing flock size</p> <p>23 at a time when demand appears to be</p> <p>24 diminishing."</p> <p>25 Do you see that sentence?</p>	<p style="text-align: right;">Page 93</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 BY MR. SLIDDERS:</p> <p>3 Q. Now, if you turn to the second</p> <p>4 last and the last page, where they're</p> <p>5 entitled "Intention To Meet Market Demand,"</p> <p>6 Option Number 1. And the next page is Option</p> <p>7 Number 2. Have you seen these documents</p> <p>8 before?</p> <p>9 A. I may have. I don't remember</p> <p>10 them.</p> <p>11 Q. Do you recall ever receiving</p> <p>12 signed copies of these documents?</p> <p>13 A. No, I don't think so. They</p> <p>14 would have gone to the Georgia office. I</p> <p>15 wouldn't have gotten them.</p> <p>16 Q. Do you know who would have been</p> <p>17 responsible at the Georgia office for</p> <p>18 receiving these documents?</p> <p>19 MS. LEVINE: Object to the form</p> <p>20 of the question. Lacks foundation.</p> <p>21 THE WITNESS: I don't.</p> <p>22 BY MR. SLIDDERS:</p> <p>23 Q. Did you have any responsibility</p> <p>24 or did you assist Mr. Gregory in preparing</p> <p>25 that letter?</p>

24 (Pages 90 - 93)

<p style="text-align: right;">Page 94</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. No.</p> <p>3 MR. SLIDDERS: If I could just</p> <p>4 exhibit another document that has been</p> <p>5 exhibited in the deposition of Chad</p> <p>6 Gregory, it's Exhibit Number 46. It's</p> <p>7 a document entitled, "UEP Members</p> <p>8 Whose Intentions Are To Meet Market</p> <p>9 Demand." It's Bates stamped</p> <p>10 MOARK0020163. If I could mark that as</p> <p>11 Exhibit -- this is marked as Exhibit</p> <p>12 Reickard-10.</p> <p>13 - - -</p> <p>14 (Exhibit Reickard-10, UEP</p> <p>15 Members Whose Intentions Are To Meet</p> <p>16 Market Demand, Bates MOARK0020163 -</p> <p>17 MOARK0020165, was marked for</p> <p>18 identification.)</p> <p>19 - - -</p> <p>20 BY MR. SLIDDERS:</p> <p>21 Q. Ms. Reickard, have you ever</p> <p>22 seen this document before?</p> <p>23 A. I may have. I don't remember</p> <p>24 it.</p> <p>25 Q. Did you have -- did you prepare</p>	<p style="text-align: right;">Page 96</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 MS. KENNEY: Telling her that</p> <p>3 that's how she should answer.</p> <p>4 MS. LEVINE: She already</p> <p>5 answered the question she didn't know,</p> <p>6 she didn't draft it, it wasn't her</p> <p>7 job. The lawyers put words in her</p> <p>8 mouth. And I don't want this witness</p> <p>9 to be tricked.</p> <p>10 MR. SLIDDERS: Can we mark this</p> <p>11 as Exhibit -- is that 10?</p> <p>12 MS. LEVINE: 11.</p> <p>13 MR. SLIDDERS: 11.</p> <p>14 - - -</p> <p>15 (Exhibit Reickard-11, 11/29/04</p> <p>16 Letter, Bates UE0178003 &amp; UE0178004,</p> <p>17 was marked for identification.)</p> <p>18 - - -</p> <p>19 BY MR. SLIDDERS:</p> <p>20 Q. This is a letter on the United</p> <p>21 Egg Producers letterhead exhibited as Chad</p> <p>22 Gregory-47. It's dated November 29, 2004.</p> <p>23 It's addressed to Mr. Dolph Baker at</p> <p>24 Cal-Maine, signed off by Mr. Gene Gregory.</p> <p>25 If you could take a moment to look at this</p>
<p style="text-align: right;">Page 95</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 this document?</p> <p>3 A. No, I would not have prepared</p> <p>4 this.</p> <p>5 Q. Were you aware of the members</p> <p>6 who had signed either Option 1 or Option 2</p> <p>7 and, therefore, made their intentions known</p> <p>8 to dispose of hens?</p> <p>9 MS. LEVINE: Object to the form</p> <p>10 of the question. Lacks foundation.</p> <p>11 There's no testimony that these were</p> <p>12 sent out.</p> <p>13 THE WITNESS: If I saw a copy of</p> <p>14 this, then I would have --</p> <p>15 MS. LEVINE: Ms. Reickard, you</p> <p>16 can't guess. The question is do you</p> <p>17 know.</p> <p>18 THE WITNESS: I don't know.</p> <p>19 MR. SLIDDERS: If I could just</p> <p>20 exhibit one more document on that</p> <p>21 point.</p> <p>22 MS. KENNEY: I just want to</p> <p>23 lodge an objection to that prior</p> <p>24 instruction to the witness.</p> <p>25 MS. LEVINE: Not to guess?</p>	<p style="text-align: right;">Page 97</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 letter, please, Ms. Reickard.</p> <p>3 A. Okay.</p> <p>4 Q. Have you seen this letter</p> <p>5 before?</p> <p>6 A. Not that I recall.</p> <p>7 Q. Put that aside.</p> <p>8 Ms. Reickard, are you familiar</p> <p>9 with the term "backfilling"?</p> <p>10 A. I've heard that term.</p> <p>11 Q. Could you explain to me what it</p> <p>12 means?</p> <p>13 A. I'm not sure that I can.</p> <p>14 Q. What is your understanding of</p> <p>15 what the term means?</p> <p>16 A. I think it's when chickens die</p> <p>17 and then they go back and put new chickens in</p> <p>18 place.</p> <p>19 Q. Did UEP members ever advise you</p> <p>20 of when they had engaged in backfilling?</p> <p>21 A. Did they advise me what?</p> <p>22 Q. Of when they had engaged in</p> <p>23 backfilling?</p> <p>24 A. I don't think so, because I</p> <p>25 don't think it was allowed with the Animal</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Husbandry Program.</p> <p>3 Q. If we can go back to Exhibit</p> <p>4 Number 3, I think, the table before, the</p> <p>5 monthly compliance report.</p> <p>6 Now, if you look at the table,</p> <p>7 the second page of the table -- sorry, the</p> <p>8 third page of the table.</p> <p>9 A. Which page?</p> <p>10 Q. The third page.</p> <p>11 A. Okay.</p> <p>12 Q. It says, incomplete house or</p> <p>13 backfilled layers because of catastrophic</p> <p>14 mortality. Okay?</p> <p>15 A. Yes.</p> <p>16 Q. So if a producer backfilled</p> <p>17 their cages, would they identify in this</p> <p>18 monthly compliance form?</p> <p>19 A. If they had some sort of</p> <p>20 catastrophic event, then they would have</p> <p>21 filled that form out, yes.</p> <p>22 Q. And if they didn't have any</p> <p>23 catastrophic event and they backfilled?</p> <p>24 A. They wouldn't have put it on</p> <p>25 the form.</p>	<p style="text-align: right;">Page 100</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. No.</p> <p>3 Q. Now, the e-mail says that on</p> <p>4 your August report you report that you</p> <p>5 backfilled. Now, is it fair to say -- fair</p> <p>6 to assume that would have referred to his</p> <p>7 monthly compliance report for the month of</p> <p>8 August?</p> <p>9 A. Yes.</p> <p>10 Q. And -- but you did not list the</p> <p>11 catastrophe which occurred. So is it fair to</p> <p>12 say, then, that he would not have</p> <p>13 identified -- he would have backfilled, but</p> <p>14 not identified a catastrophe? Is that</p> <p>15 correct?</p> <p>16 A. According to that e-mail, that</p> <p>17 is correct.</p> <p>18 Q. Then you say, "As noted,</p> <p>19 backfilling is not allowed after June 1,</p> <p>20 2005, unless there was a catastrophe." Is</p> <p>21 that correct? Let's start with is that a</p> <p>22 correct sentence in the e-mail?</p> <p>23 A. I don't remember the rules or</p> <p>24 when they took place, but I'm assuming that</p> <p>25 that is correct because that's what I wrote.</p>
<p style="text-align: right;">Page 99</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Would they have advised you of</p> <p>3 their backfilling?</p> <p>4 MS. LEVINE: Object to the form</p> <p>5 of the question. Calls for a</p> <p>6 hypothetical.</p> <p>7 THE WITNESS: I don't know.</p> <p>8 MR. SLIDDERS: If I could</p> <p>9 identify a document Bates number</p> <p>10 UE049017. It's an e-mail from Linda</p> <p>11 Reickard to M. O'Connor at Moark, LLC,</p> <p>12 dated September 6, 2005. And that's</p> <p>13 going to be Exhibit Number 12.</p> <p>14 - - -</p> <p>15 (Exhibit Reickard-12, 9/6/05</p> <p>16 E-mail, Bates UE0490174, was marked</p> <p>17 for identification.)</p> <p>18 - - -</p> <p>19 BY MR. SLIDDERS:</p> <p>20 Q. Is that -- can you identify</p> <p>21 that e-mail, Ms. Reickard?</p> <p>22 A. I don't remember this e-mail,</p> <p>23 but...</p> <p>24 Q. Is there any reason that you</p> <p>25 would not have sent it?</p>	<p style="text-align: right;">Page 101</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And were you aware that</p> <p>3 backfilling was not allowed?</p> <p>4 A. I would have been at that time,</p> <p>5 yes.</p> <p>6 Q. And what do you understand the</p> <p>7 term "...unless there was a catastrophe" to</p> <p>8 mean?</p> <p>9 A. A fire. You know, something</p> <p>10 happened to all or the majority of the birds</p> <p>11 in the house, something drastic happened.</p> <p>12 Q. And in the event of a</p> <p>13 catastrophe, you were allowed to backfill.</p> <p>14 Is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. But otherwise you were not</p> <p>17 allowed to backfill. Is that correct?</p> <p>18 A. After that date apparently,</p> <p>19 yes.</p> <p>20 Q. Do you know why that was the</p> <p>21 case?</p> <p>22 A. I don't know the background of</p> <p>23 how they came up with their rules. I don't</p> <p>24 know that.</p> <p>25 Q. Instead of backfilling, if you</p>

26 (Pages 98 - 101)



<p style="text-align: right;">Page 102</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 have -- if you go back to the table, it</p> <p>3 refers to incomplete house. Now, and it said</p> <p>4 you could fill an existing house, is that</p> <p>5 correct, with layers?</p> <p>6 A. Yes.</p> <p>7 Q. And up to its capacity?</p> <p>8 A. Yes.</p> <p>9 Q. And so if there was 90 -- if</p> <p>10 that house was filled to 90 percent of its</p> <p>11 capacity, you could then make up to 100</p> <p>12 percent capacity by placing layers in that</p> <p>13 house. Is that correct?</p> <p>14 MS. LEVINE: Object to the form</p> <p>15 of the question.</p> <p>16 THE WITNESS: I didn't</p> <p>17 understand that.</p> <p>18 BY MR. SLIDDERS:</p> <p>19 Q. If you have a house that is --</p> <p>20 has layers up to 90 percent of its capacity,</p> <p>21 you could then, as a producer, place more</p> <p>22 layers into that house to meet its capacity.</p> <p>23 Is that correct?</p> <p>24 MS. LEVINE: Object to the form</p> <p>25 of the question.</p>	<p style="text-align: right;">Page 104</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 times when something strange happened, but in</p> <p>3 most cases that's what it was.</p> <p>4 Q. You said in most cases that the</p> <p>5 house would be -- there would be -- it would</p> <p>6 be filled, say, in September and then it</p> <p>7 would be -- so it was incomplete as of</p> <p>8 September and then the fill would be</p> <p>9 completed in October. And they would fill</p> <p>10 out this form. Is that correct?</p> <p>11 A. I think that that was most of</p> <p>12 the cases of an incomplete house, yes.</p> <p>13 Q. But if you just look at this</p> <p>14 form, if they filled the house to 50 percent</p> <p>15 of its capacity in August, and then they</p> <p>16 completed that fill in July of the next year,</p> <p>17 would they still fill out this form?</p> <p>18 MS. LEVINE: Object to the form</p> <p>19 of the question.</p> <p>20 THE WITNESS: I can't answer</p> <p>21 that. I don't know.</p> <p>22 MR. SLIDDERS: If I could</p> <p>23 exhibit another document. This is</p> <p>24 Exhibit Reickard Number 13. Sorry,</p> <p>25 don't want to get into a demarcation</p>
<p style="text-align: right;">Page 103</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 THE WITNESS: I don't think I</p> <p>3 know the answer to that.</p> <p>4 BY MR. SLIDDERS:</p> <p>5 Q. What does incomplete house</p> <p>6 refer to on this table?</p> <p>7 A. I would say 99 percent of the</p> <p>8 time when they were filling a house, if it</p> <p>9 happened at the end of the month and the</p> <p>10 filling of the house went into the next</p> <p>11 month, then they would report what they had</p> <p>12 filled, say in April, the house wasn't</p> <p>13 completely filled until the next one or two</p> <p>14 days in May, so then on next month's report,</p> <p>15 they would have listed the number of layers</p> <p>16 that they finished putting into that house.</p> <p>17 So in April, the house would have been</p> <p>18 incomplete. In May it was completely filled.</p> <p>19 Q. Filled as to its entire</p> <p>20 capacity?</p> <p>21 A. Yes.</p> <p>22 Q. Would that necessarily happen</p> <p>23 in consecutive months in accordance with your</p> <p>24 description just then?</p> <p>25 A. You know, there might have been</p>	<p style="text-align: right;">Page 105</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 dispute. This is a memorandum from</p> <p>3 Linda Reickard to Keith Salmi and</p> <p>4 Rebecca Shepherd, with the subject</p> <p>5 "July Monthly Compliance Report,"</p> <p>6 dated August 5, 2005.</p> <p>7 - - -</p> <p>8 (Exhibit Reickard-13, 8/5/05</p> <p>9 Memo, Bates UE0628610, was marked for</p> <p>10 identification.)</p> <p>11 - - -</p> <p>12 THE WITNESS: Okay.</p> <p>13 BY MR. SLIDDERS:</p> <p>14 Q. Can you identify this memo?</p> <p>15 A. While I'm sure I wrote it, I</p> <p>16 don't remember it.</p> <p>17 Q. And you wrote it as part of</p> <p>18 your responsibilities at the UEP?</p> <p>19 A. Yes, I would have.</p> <p>20 Q. Now, in the first sentence you</p> <p>21 say, "I see from your July report that you</p> <p>22 backfilled 130,144 layers into Ridge 3. I am</p> <p>23 assuming that you had some sort of</p> <p>24 catastrophe since you housed 90% of the</p> <p>25 layers in July and the house was filled to</p>

27 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 capacity in March."</p> <p>3 Do you see where it says that?</p> <p>4 A. I do.</p> <p>5 Q. Could you explain that to me?</p> <p>6 A. I can't. Without seeing the</p> <p>7 reports, it actually doesn't make sense to</p> <p>8 me. But without seeing all the backup</p> <p>9 material, I can't answer any questions about</p> <p>10 it.</p> <p>11 Q. You can put that aside.</p> <p>12 MR. SLIDDERS: If we can just</p> <p>13 exhibit another document. If we could</p> <p>14 just exhibit as Exhibit Number 14 an</p> <p>15 e-mail from Linda Reickard to Jerry</p> <p>16 Kil. Subject: August report. Dated</p> <p>17 Wednesday, September 21, 2005, with</p> <p>18 Bates number UE049011 -- 0188.</p> <p>19 - - -</p> <p>20 (Exhibit Reickard-14, 9/21/05</p> <p>21 E-mail, Bates UE0490188, was marked</p> <p>22 for identification.)</p> <p>23 - - -</p> <p>24 BY MR. SLIDDERS:</p> <p>25 Q. Just have a look at that,</p>	<p style="text-align: right;">Page 108</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 house. So I was just asking for an</p> <p>3 explanation.</p> <p>4 Q. If he did not explain that</p> <p>5 there was a catastrophe, what would your</p> <p>6 response have been?</p> <p>7 A. I don't know. I probably would</p> <p>8 have told Gene Gregory about it and asked him</p> <p>9 his advice.</p> <p>10 Q. And do you know what Gene</p> <p>11 Gregory -- withdrawn. I object to my own</p> <p>12 question.</p> <p>13 MR. SLIDDERS: If I could just</p> <p>14 exhibit another e-mail. If I could --</p> <p>15 this is Exhibit Number 15. This is an</p> <p>16 e-mail from Linda Reickard to Paul</p> <p>17 VandeBunte, dated March 15, 2006. The</p> <p>18 subject line is, "Re: Feb. Report."</p> <p>19 - - -</p> <p>20 (Exhibit Reickard-15, E-mail</p> <p>21 chain, Bates UE0629492, was marked for</p> <p>22 identification.)</p> <p>23 - - -</p> <p>24 BY MR. SLIDDERS</p> <p>25 Q. If you could have a look at</p>
<p style="text-align: right;">Page 107</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 please.</p> <p>3 A. [Reviewing document.]</p> <p>4 Q. Can you identify this e-mail,</p> <p>5 Ms. Reickard?</p> <p>6 A. Again, it looks like my memo.</p> <p>7 Q. And it would have been an</p> <p>8 e-mail that you sent in the course of your</p> <p>9 business with the UEP?</p> <p>10 A. Yes.</p> <p>11 Q. Could you explain this e-mail</p> <p>12 to me, please? If we go to the second</p> <p>13 sentence where it says, "The report showed</p> <p>14 that House 41 backfilled 500 layers, but</p> <p>15 backfilling is not allowed since June 1. Can</p> <p>16 you please clarify why this was done?"</p> <p>17 Could you explain that sentence</p> <p>18 to me?</p> <p>19 A. Well, without seeing --</p> <p>20 Q. I understand.</p> <p>21 A. -- everything regarding this,</p> <p>22 it looks like he did backfill 500 layers, at</p> <p>23 least that's what he put on the report, and</p> <p>24 he didn't report that there was a catastrophe</p> <p>25 or that he was just finishing filling a</p>	<p style="text-align: right;">Page 109</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 that e-mail for me, please, Mrs. Reickard --</p> <p>3 Ms. Reickard?</p> <p>4 A. [Reviewing document.]</p> <p>5 Okay, I've read it.</p> <p>6 Q. Can you identify this e-mail?</p> <p>7 A. It looks like I wrote it.</p> <p>8 Q. Who is Paul VandeBunte?</p> <p>9 A. One of the producers in the</p> <p>10 program.</p> <p>11 Q. And you would have sent this</p> <p>12 e-mail as part of your business at UEP?</p> <p>13 A. Yes.</p> <p>14 Q. Now, if we start at the bottom</p> <p>15 where the first e-mail goes, you say, "Paul,</p> <p>16 You backfilled 740 layers in K-10 in</p> <p>17 February."</p> <p>18 Now, would K10 be the house?</p> <p>19 A. Yes, that would have been.</p> <p>20 Q. And the 740 would have been the</p> <p>21 number of layers. Is that correct?</p> <p>22 A. That would have been the number</p> <p>23 of what?</p> <p>24 Q. Of layers that Mr. VandeBunte</p> <p>25 backfilled.</p>

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<p style="text-align: right;">Page 110</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Backfilled.</p> <p>3 Q. Then you go on to say the</p> <p>4 "Backfilling is not allowed unless there was</p> <p>5 a catastrophe, and you did not explain about</p> <p>6 any catastrophe."</p> <p>7 Do you see where it says that?</p> <p>8 A. Yes.</p> <p>9 Q. Then you say, "Can you please</p> <p>10 explain about these layers?"</p> <p>11 Then Mr. VandeBunte replies on</p> <p>12 March 15, 2006, where he says, Could not</p> <p>13 house in K-6 because they exceeded the 61</p> <p>14 square inch so I backfilled into K10.</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. So is it fair to say, then,</p> <p>18 that because Mr. VandeBunte -- so would K6 be</p> <p>19 a house?</p> <p>20 A. Pardon?</p> <p>21 Q. Would K6 be a reference to a</p> <p>22 house, a henhouse?</p> <p>23 A. Yes.</p> <p>24 Q. Could you explain what he means</p> <p>25 because they exceeded 61 square inches?</p>	<p style="text-align: right;">Page 112</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 would have to take them out of the house and</p> <p>3 take care of them somehow. I don't know what</p> <p>4 they did.</p> <p>5 Q. But to take care of them isn't</p> <p>6 really destroying them, is it?</p> <p>7 A. No. And I don't know why I</p> <p>8 used that term, because it was up to them to</p> <p>9 do whatever they wanted to with them.</p> <p>10 MR. SLIDDERS: Just another</p> <p>11 exhibit, this is Exhibit Number 16.</p> <p>12 This is a document with Bates numbered</p> <p>13 UE0626808. It's an e-mail from -- the</p> <p>14 e-mail on the top of the page is from</p> <p>15 Gene Gregory to Linda Reickard, dated</p> <p>16 Tuesday, July 26, 2005, with the</p> <p>17 subject "RE: Backfilling."</p> <p>18 - - -</p> <p>19 (Exhibit Reickard-16, E-mail</p> <p>20 chain, Bates UE0626808, was marked for</p> <p>21 identification.)</p> <p>22 - - -</p> <p>23 BY MR. SLIDDERS:</p> <p>24 Q. Please have a look at those</p> <p>25 e-mails.</p>
<p style="text-align: right;">Page 111</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. It looks like he had too many</p> <p>3 birds to put in that house.</p> <p>4 Q. And accordingly, he backfilled</p> <p>5 into another house, K10?</p> <p>6 A. That looks like what he did.</p> <p>7 Q. Okay. And then if we go to the</p> <p>8 top, your final e-mail in the chain to</p> <p>9 Mr. VandeBunte, dated March 15, 2006, you</p> <p>10 say, "Those birds will need to be destroyed</p> <p>11 in order to stay in compliance."</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. What do you mean by</p> <p>15 "destroyed"?</p> <p>16 A. Well, taken out of the house.</p> <p>17 What he would do with them, I don't know.</p> <p>18 Q. So when you say "destroyed,"</p> <p>19 you mean taken out of the house?</p> <p>20 A. That's -- yes. I mean, I do</p> <p>21 not know what people did if they had too many</p> <p>22 birds.</p> <p>23 Q. But they'd have to get rid of</p> <p>24 the birds?</p> <p>25 A. They would have to do -- they</p>	<p style="text-align: right;">Page 113</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. [Reviewing document.] Okay.</p> <p>3 Q. Now, could you -- in the e-mail</p> <p>4 that you sent to Mr. Gregory that's at the</p> <p>5 bottom of the page, just go through that</p> <p>6 e-mail sentence by sentence. It says,</p> <p>7 American Egg Products in February housed</p> <p>8 89,742 birds in 5,000 -- in 5,734,400 square</p> <p>9 inches.</p> <p>10 "In June they put 5,227 more</p> <p>11 birds in that house saying it was incomplete.</p> <p>12 They actually filled this out in the</p> <p>13 'backfilling' section.</p> <p>14 "Is this allowed, or what is</p> <p>15 the definition of backfilling exactly? Is it</p> <p>16 only backfilling if the house is originally</p> <p>17 filled to capacity &amp; they are replacing from</p> <p>18 mortality?"</p> <p>19 Now, could you explain that</p> <p>20 e-mail to me?</p> <p>21 A. I was asking Gene for</p> <p>22 clarification because I didn't understand</p> <p>23 what was going on.</p> <p>24 Q. And then Mr. Gregory responded,</p> <p>25 "This house was allowed to house 97,193 hens.</p>

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2 The total they housed was 94,969, so they are

3 OK in this respect.

4 "They should report on the

5 records this was an incomplete flock not a

6 backfilled flock. Look on page 6 of the

7 guidelines for details."

8 Could you explain to me what

9 Mr. Gregory meant in that e-mail?

10 MS. LEVINE: Objection.

11 BY MR. SLIDDERS:

12 Q. What you understood it to mean.

13 A. What I understood it to mean

14 was he was saying that this was an incomplete

15 house and they were allowed to put the

16 remainder birds up to capacity in there at a

17 later time.

18 Q. What did you understand the

19 definition of backfilling to be in regard

20 to -- in your last e-mail you say, "Is it

21 only backfilling if the house is originally

22 filled to capacity & they are replacing for

23 mortality?" And did you ever look at page 6

24 of the guidelines for details as suggested by

25 Mr. Gregory?

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2 A. I don't remember if I did that

3 or not.

4 MR. SLIDDERS: If we could

5 exhibit as Exhibit Number Reickard-17

6 the UEP Animal Husbandry Guidelines

7 for Animal Care Certified Program U.S.

8 Egg Laying Flocks 2005 Edition.

9 - - -

10 (Exhibit Reickard-17, UEP Animal

11 Husbandry Guidelines for Animal Care

12 Certified Program U.S. Egg Laying

13 Flocks 2005 edition, Bates UE0329047 -

14 UE0329065, was marked for

15 identification.)

16 - - -

17 BY MR. SLIDDERS:

18 Q. Ms. Reickard, have you ever

19 seen that before?

20 A. I believe I have.

21 Q. Sorry, you have seen this

22 document before?

23 A. [Nods yes.]

24 Q. If you could turn to page 6, as

25 per Mr. Gregory's suggestion, if you could

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2 just read "BACKFILLING" and "INCOMPLETE

3 FLOCK" there?

4 MS. LEVINE: To herself?

5 MR. SLIDDERS: To herself, yes.

6 And then we'll talk about it.

7 THE WITNESS: [Reviewing

8 document.] Okay.

9 BY MR. SLIDDERS:

10 Q. Now, it says that "Other than a

11 catastrophic event, backfilling of cages to

12 replace mortality is prohibited under the

13 Animal Care Certified Program."

14 Do you see that?

15 A. Yes.

16 Q. Then under "INCOMPLETE FLOCK"

17 it says that "A house that is not completely

18 filled on the original date of housing will

19 be considered as an incomplete flock..."

20 What is meant by "the original

21 date of housing"?

22 A. When they first put chickens

23 in.

24 Q. Is that -- if we can go back to

25 the exhibit, the compliance report. Are they

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2 the new layers that you refer --

3 A. Yes.

4 Q. Thank you. Then it says,

5 "...and may accept additional pullets at a

6 later date to complete the filling of the

7 house to the Animal Care Certified allowable

8 cage space allowances."

9 Do you see that?

10 A. Yes.

11 Q. And does it -- is there

12 anywhere in there that specifies how long

13 after the original date is that the later

14 date for completion may be?

15 A. I can't see that it gives a

16 date now.

17 Q. So when we discussed before the

18 table in incomplete housing, you suggested

19 that that would be in consecutive months that

20 the table, that someone would fill this out

21 to show that it was complete. Is that

22 correct?

23 A. Yes.

24 Q. But it's nothing to suggest

25 that it would have to be in consecutive

<p style="text-align: right;">Page 118</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 months, is there?</p> <p>3 A. No.</p> <p>4 Q. Now, Ms. Reickard, how did you</p> <p>5 hear -- how did you learn of this lawsuit,</p> <p>6 the one you're being deposed for today?</p> <p>7 A. I think we were at an annual</p> <p>8 meeting in 2008 when we were notified of it,</p> <p>9 and I assume, I assume, I don't remember,</p> <p>10 that Gene or Al or someone told me. I don't</p> <p>11 remember.</p> <p>12 Q. Did they tell you personally?</p> <p>13 MS. LEVINE: Object to the form</p> <p>14 of the question.</p> <p>15 THE WITNESS: I don't remember.</p> <p>16 BY MR. SLIDDERS:</p> <p>17 Q. Did you see the Complaint --</p> <p>18 when did you first see the Complaint</p> <p>19 commencing these proceedings in this matter?</p> <p>20 MS. LEVINE: Object to the form</p> <p>21 of the question. Lack of foundation.</p> <p>22 THE WITNESS: I don't know that</p> <p>23 I saw anything.</p> <p>24 BY MR. SLIDDERS:</p> <p>25 Q. When you prepared for this</p>	<p style="text-align: right;">Page 120</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 witness' testimony.</p> <p>3 THE WITNESS: It was at an</p> <p>4 annual meeting.</p> <p>5 BY MR. SLIDDERS:</p> <p>6 Q. And how did you learn about it</p> <p>7 at the annual meeting?</p> <p>8 MS. LEVINE: Object to the form</p> <p>9 of the question.</p> <p>10 THE WITNESS: I told you I don't</p> <p>11 remember.</p> <p>12 MR. SLIDDERS: Do you want to</p> <p>13 take a break, is this a good time?</p> <p>14 MS. LEVINE: Since it is ten of</p> <p>15 12:00, do you want to just take a</p> <p>16 lunch break or do you want to just --</p> <p>17 or is it just a five minuter? Because</p> <p>18 I don't want to break for 15 minutes</p> <p>19 and have it be 12:15. It's your</p> <p>20 choice, it's your deposition.</p> <p>21 MR. SLIDDERS: Why don't we take</p> <p>22 lunch now then.</p> <p>23 MS. LEVINE: Does that make</p> <p>24 sense?</p> <p>25 MR. SLIDDERS: Yes.</p>
<p style="text-align: right;">Page 119</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 deposition, did you review any documents?</p> <p>3 A. Yes.</p> <p>4 Q. Have you -- did you -- was one</p> <p>5 of those documents the Complaint in these</p> <p>6 proceedings?</p> <p>7 A. I don't think so, no.</p> <p>8 Q. Do you recall Mr. Gregory's</p> <p>9 reaction to the lawsuit?</p> <p>10 MS. LEVINE: Object to the form</p> <p>11 of the question. Lacks foundation.</p> <p>12 THE WITNESS: No, I do not</p> <p>13 remember.</p> <p>14 BY MR. SLIDDERS:</p> <p>15 Q. You said that you learned about</p> <p>16 this at an annual general meeting. Is that</p> <p>17 correct?</p> <p>18 MS. LEVINE: Object to the form</p> <p>19 of the question. Mischaracterizes the</p> <p>20 witness' testimony.</p> <p>21 BY MR. SLIDDERS:</p> <p>22 Q. Or a board of directors</p> <p>23 meeting?</p> <p>24 MS. LEVINE: Object to the form</p> <p>25 of the question. Mischaracterizes the</p>	<p style="text-align: right;">Page 121</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 VIDEOGRAPHER: The time is</p> <p>3 approximately 11:52 a.m. This ends</p> <p>4 tape two. We're now off the record.</p> <p>5 - - -</p> <p>6 (A recess was taken.)</p> <p>7 - - -</p> <p>8 VIDEOGRAPHER: The time is</p> <p>9 approximately 12:43 p.m. This begins</p> <p>10 tape three. We are back on the</p> <p>11 record.</p> <p>12 - - -</p> <p>13 EXAMINATION</p> <p>14 - - -</p> <p>15 BY MR. BROWN:</p> <p>16 Q. Good afternoon. My name is</p> <p>17 Stephen Brown. We met very briefly this</p> <p>18 morning. I'm going to be taking over to ask</p> <p>19 you some questions.</p> <p>20 VIDEOGRAPHER: Counsel, your</p> <p>21 microphone.</p> <p>22 MR. BROWN: I apologize.</p> <p>23 BY MR. BROWN:</p> <p>24 Q. I'm going to try not to repeat</p> <p>25 anything that we went over today. But if we</p>

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<p style="text-align: right;">Page 122</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 do, please bear with me and I appreciate your</p> <p>3 patience.</p> <p>4 Do you know what the United</p> <p>5 States Egg Marketers is?</p> <p>6 A. Yes.</p> <p>7 Q. What's your understanding of</p> <p>8 United States Egg Marketers?</p> <p>9 A. It's an exporting vehicle.</p> <p>10 Q. If I say USEM, will you</p> <p>11 understand that to refer to U.S. -- United</p> <p>12 States Egg Marketers?</p> <p>13 A. Yes.</p> <p>14 Q. Did you have any</p> <p>15 responsibilities in connection with USEM?</p> <p>16 A. I did.</p> <p>17 Q. What were those</p> <p>18 responsibilities?</p> <p>19 A. Accounting.</p> <p>20 Q. What do you mean when you say</p> <p>21 "accounting"?</p> <p>22 A. I did billing, accounts</p> <p>23 payable, helped with the forms when we had an</p> <p>24 export of the allocations of how many cases</p> <p>25 each member was responsible for.</p>	<p style="text-align: right;">Page 124</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. That's correct.</p> <p>3 Q. Did you have any</p> <p>4 responsibilities in connection with USEM</p> <p>5 membership?</p> <p>6 A. Not really, no.</p> <p>7 Q. Did you ever keep track of like</p> <p>8 a list of USEM members?</p> <p>9 A. I had a list. If we did an</p> <p>10 export, then I had an updated list of the</p> <p>11 membership because I had to have that. I</p> <p>12 didn't really keep track of the membership</p> <p>13 until we had the next export and then I would</p> <p>14 verify with Phyllis if the ones I had were</p> <p>15 still members.</p> <p>16 Q. Are you aware of any</p> <p>17 requirements for membership in USEM?</p> <p>18 A. I don't think that I remember</p> <p>19 what the requirements are, if I even knew.</p> <p>20 Q. Do you know what type of</p> <p>21 entities could be members of USEM?</p> <p>22 A. I guess I'm not sure.</p> <p>23 Q. Now, during this time -- well,</p> <p>24 let me back up.</p> <p>25 From about 1998 through 2000,</p>
<p style="text-align: right;">Page 123</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. When you say "billing," who</p> <p>3 were you billing?</p> <p>4 MS. LEVINE: Object to the form</p> <p>5 of the question.</p> <p>6 THE WITNESS: The exporter who</p> <p>7 was buying the eggs.</p> <p>8 BY MR. BROWN:</p> <p>9 Q. The purchaser?</p> <p>10 A. Yes, that's the purchaser.</p> <p>11 Q. And you said that you helped</p> <p>12 with the forms for the exports. Is that</p> <p>13 right?</p> <p>14 A. Yes. The forms that Phyllis</p> <p>15 went over that she used for the number of</p> <p>16 cases, I had the bird numbers because that's</p> <p>17 what I kept track of, and then we were able</p> <p>18 to use those bird numbers to allocate how</p> <p>19 many cases each person was responsible for.</p> <p>20 So between the two of us, we -- she had some</p> <p>21 figures and I had some figures, so we put</p> <p>22 together that form.</p> <p>23 Q. And that was going to be my</p> <p>24 next question. Who did you help? And is it</p> <p>25 Phyllis Blizzard, is that correct?</p>	<p style="text-align: right;">Page 125</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 you were an employee of UEP. Correct?</p> <p>3 A. Correct.</p> <p>4 Q. So as an employee of UEP, why</p> <p>5 did you have responsibilities in connection</p> <p>6 with the USEM exports?</p> <p>7 A. Because we had a -- oh, what</p> <p>8 did you say, '98 to 2000?</p> <p>9 MS. LEVINE: What period of time</p> <p>10 are you asking her?</p> <p>11 THE WITNESS: What did you say?</p> <p>12 BY MR. BROWN:</p> <p>13 Q. I said '98 to 2000. If I</p> <p>14 misstated the time that you were at UEP.</p> <p>15 A. I started in '98, but I don't</p> <p>16 remember --</p> <p>17 MS. LEVINE: Can you answer his</p> <p>18 question because he's going to be</p> <p>19 confused. I think she said that she</p> <p>20 retired in 2012. So you're asking her</p> <p>21 for that period of time?</p> <p>22 BY MR. BROWN:</p> <p>23 Q. Sure.</p> <p>24 A. Okay.</p> <p>25 MS. LEVINE: He was just</p>

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<p style="text-align: right;">Page 126</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 mistaken about your time at UEP.</p> <p>3 THE WITNESS: All right. Now</p> <p>4 what was the question again?</p> <p>5 BY MR. BROWN:</p> <p>6 Q. Well, you were -- so you had</p> <p>7 responsibilities in connection with USEM</p> <p>8 exports?</p> <p>9 A. Yes.</p> <p>10 Q. But you were an UEP employee at</p> <p>11 the time?</p> <p>12 A. Yes.</p> <p>13 Q. So as an employee of UEP, why</p> <p>14 did you have responsibilities in connection</p> <p>15 with USEM exports?</p> <p>16 A. Because we had a management</p> <p>17 agreement.</p> <p>18 Q. What is your understanding of</p> <p>19 that management agreement?</p> <p>20 A. I guess I don't know</p> <p>21 specifically, but we supplied staff to do</p> <p>22 whatever needed to be done.</p> <p>23 Q. Were you ever an employee of</p> <p>24 USEM?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 128</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. How was that percentage</p> <p>3 determined?</p> <p>4 A. It was according to their layer</p> <p>5 numbers and the total number of cases needed.</p> <p>6 Q. And you had -- I think you said</p> <p>7 that you had a -- you were the one keeping</p> <p>8 track of layer numbers. Is that right?</p> <p>9 A. That's correct.</p> <p>10 Q. And is that different than</p> <p>11 capacity?</p> <p>12 A. That is capacity. What I kept</p> <p>13 track of was capacity. That's what we used</p> <p>14 in everything that we did.</p> <p>15 Q. So it wasn't the actual number</p> <p>16 of birds, it was instead capacity?</p> <p>17 A. Correct.</p> <p>18 MR. BROWN: I am going to hand</p> <p>19 to you what's -- what will be marked</p> <p>20 as Exhibit Reickard-18.</p> <p>21 - - -</p> <p>22 (Exhibit Reickard-18, E-mail</p> <p>23 chain, Bates UE0461644, was marked for</p> <p>24 identification.)</p> <p>25 - - -</p>
<p style="text-align: right;">Page 127</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. When USEM agreed to an export,</p> <p>3 when did you become involved?</p> <p>4 A. When Phyllis and I put together</p> <p>5 that first sheet to see -- when I verified</p> <p>6 with her who the members were, I put in my</p> <p>7 layer numbers because I keep track of the</p> <p>8 layer numbers. She would tell me how many</p> <p>9 cases were involved. We'd figure out the</p> <p>10 amount of -- total amount of cases and then I</p> <p>11 had a spreadsheet that figured the percentage</p> <p>12 that each producer would be responsible for.</p> <p>13 Q. And were USEM members required</p> <p>14 to participate in an export once it was</p> <p>15 agreed to?</p> <p>16 A. Required to participate in what</p> <p>17 way are you asking?</p> <p>18 Q. In any way.</p> <p>19 A. Yes, they were.</p> <p>20 Q. In what ways would USEM members</p> <p>21 participate in the exports?</p> <p>22 A. They would either have to</p> <p>23 supply their percentage of their commitment</p> <p>24 of cases or they would ask UEP to go out and</p> <p>25 buy their commitment.</p>	<p style="text-align: right;">Page 129</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 BY MR. BROWN:</p> <p>3 Q. Will you take a minute to</p> <p>4 review that?</p> <p>5 A. Okay.</p> <p>6 Q. And this is UE0461644.</p> <p>7 A. [Reviewing document.] Okay.</p> <p>8 Q. This is an e-mail back and</p> <p>9 forth, this is two e-mails between Gene</p> <p>10 Gregory and you. The first one is</p> <p>11 September 2, 2005, and then he responds</p> <p>12 September 6, 2005. Is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. In your e-mail to Mr. Gregory,</p> <p>15 the second sentence reads, "Are we using our</p> <p>16 current layer numbers for everyone or are you</p> <p>17 getting layer numbers from somewhere else,</p> <p>18 because I don't agree with a lot of them."</p> <p>19 Did I read that correctly?</p> <p>20 A. Yes.</p> <p>21 Q. What were you -- what were you</p> <p>22 asking Gene Gregory here?</p> <p>23 A. What list I was supposed to</p> <p>24 use.</p> <p>25 Q. Were there -- was there more</p>

33 (Pages 126 - 129)



<p style="text-align: right;">Page 130</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 than one list?</p> <p>3 A. I had the official list. I</p> <p>4 made -- through the -- through each year, I</p> <p>5 would make updated changes to layer numbers</p> <p>6 as I was informed of the change by a producer</p> <p>7 or staff. And I think he had, I think he had</p> <p>8 pulled a sheet that wasn't updated, and I</p> <p>9 just wanted to be sure that we were going to</p> <p>10 use my updated list, which he verified that</p> <p>11 we would.</p> <p>12 Q. And this is, again, to</p> <p>13 determine member's required level of</p> <p>14 participation in an export?</p> <p>15 A. Yes.</p> <p>16 Q. Now, Mr. Gregory writes back,</p> <p>17 "Keep in mind that Bob Krouse has only</p> <p>18 pledged for 1,800,000 because that the only</p> <p>19 hens he has that are not on cost plus deals</p> <p>20 with his customers."</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. Who is Bob Krouse?</p> <p>24 A. Midwest Poultry Services.</p> <p>25 Q. Do you know what his position</p>	<p style="text-align: right;">Page 132</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 why Mr. Krouse pledged only the hens that</p> <p>3 were not on cost plus deals?</p> <p>4 A. I do not have an understanding</p> <p>5 of that.</p> <p>6 Q. When USEM exported eggs, what</p> <p>7 type of eggs did they typically export?</p> <p>8 MS. LEVINE: Object to the form</p> <p>9 of the question.</p> <p>10 THE WITNESS: It could be graded</p> <p>11 eggs or they could be nest run eggs.</p> <p>12 BY MR. BROWN:</p> <p>13 Q. That's what I was asking. As</p> <p>14 a -- generally, were the exports graded or</p> <p>15 nest run, or did it just depend?</p> <p>16 A. I think it just depended.</p> <p>17 Q. When USEM agreed to take an</p> <p>18 export, was there ever a loss associated with</p> <p>19 that export?</p> <p>20 MS. LEVINE: Object to the form</p> <p>21 of the question.</p> <p>22 THE WITNESS: There was a</p> <p>23 difference of what we took in as</p> <p>24 income and paid out as expenses.</p> <p>25 BY MR. BROWN:</p>
<p style="text-align: right;">Page 131</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 is there?</p> <p>3 A. He's the head of the company.</p> <p>4 I don't know if his title is president or</p> <p>5 CEO.</p> <p>6 Q. Sure. Were USEM members</p> <p>7 permitted to pledge a particular portion of</p> <p>8 their capacity?</p> <p>9 A. Yes.</p> <p>10 Q. How often did that happen?</p> <p>11 A. I can think of three different</p> <p>12 ones that did that.</p> <p>13 Q. Which three?</p> <p>14 A. Midwest Poultry, Kreher and</p> <p>15 Layers, Incorporated.</p> <p>16 Q. Where is Kreher located?</p> <p>17 A. New York.</p> <p>18 Q. And the other one is Layers,</p> <p>19 Incorporated?</p> <p>20 A. Yes.</p> <p>21 Q. Where are they located?</p> <p>22 A. Indiana.</p> <p>23 Q. And they were permitted to --</p> <p>24 well, withdrawn.</p> <p>25 Do you have an understanding</p>	<p style="text-align: right;">Page 133</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. When you say you took in as</p> <p>3 income, who were you taking that in from?</p> <p>4 A. The exporter, the buyer.</p> <p>5 Q. So the buyer would be, for</p> <p>6 example, a buyer in Europe or Asia or a</p> <p>7 foreign country?</p> <p>8 A. Yes.</p> <p>9 Q. And the loss would be the</p> <p>10 difference -- well, withdraw that.</p> <p>11 Why don't we take a look at a</p> <p>12 document.</p> <p>13 I'm going to hand you what will</p> <p>14 be marked as Reickard-19.</p> <p>15 - - -</p> <p>16 (Exhibit Reickard-19, E-mail</p> <p>17 chain, Bates UE0475506, was marked for</p> <p>18 identification.)</p> <p>19 - - -</p> <p>20 BY MR. BROWN:</p> <p>21 Q. And this is an e-mail</p> <p>22 correspondence between you and Gene Gregory</p> <p>23 dated February 9, 2007. Is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. In your e-mail to Mr. Gregory</p>

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<p style="text-align: right;">Page 134</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 you write, We now -- We have now received all</p> <p>3 export loss money from November.</p> <p>4 Did I read that correctly?</p> <p>5 A. Yes.</p> <p>6 Q. When you said "all export loss</p> <p>7 money," what were you referring to?</p> <p>8 A. I was referring to the eggs</p> <p>9 that UEP bought for the people who didn't</p> <p>10 supply their own eggs.</p> <p>11 Q. Why did you refer to that as a</p> <p>12 loss?</p> <p>13 A. Because what UEP received for</p> <p>14 those eggs was the price of the export less</p> <p>15 \$0.01 commission versus what we had to pay</p> <p>16 for those eggs on the open market.</p> <p>17 Q. And what you had to pay for the</p> <p>18 eggs on the open market, was that greater</p> <p>19 than the price that you received for the</p> <p>20 purchase of those eggs?</p> <p>21 MS. LEVINE: Object to the form</p> <p>22 of the question.</p> <p>23 THE WITNESS: The price of eggs</p> <p>24 changes daily, so once word is out</p> <p>25 about an export, more than likely the</p>	<p style="text-align: right;">Page 136</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. The amount of money that came</p> <p>3 in for the eggs. All the money that went out</p> <p>4 for the eggs. And UEP did get a commission,</p> <p>5 a cent commission.</p> <p>6 Q. And once you had calculated the</p> <p>7 amount of money that came in and the amount</p> <p>8 of money that went out, what would you do</p> <p>9 after that?</p> <p>10 A. Then I would take the -- it was</p> <p>11 all, again, based on their layer numbers. So</p> <p>12 I used a pro rata share of their layer</p> <p>13 numbers to determine how much of the loss</p> <p>14 they were responsible for.</p> <p>15 Q. Would you then send invoices or</p> <p>16 bills to the individual members?</p> <p>17 A. Yes, I did.</p> <p>18 Q. How did you keep track of those</p> <p>19 invoices going out and the money that came</p> <p>20 in?</p> <p>21 A. Well, I sent the invoices out.</p> <p>22 Q. Sure.</p> <p>23 A. And then all money that came in</p> <p>24 to the UEP office I took care of recording</p> <p>25 accounts receivable in all the different</p>
<p style="text-align: right;">Page 135</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 price is going to be going up. So</p> <p>3 depending on what day the eggs were</p> <p>4 purchased, it usually became more</p> <p>5 expensive to buy the eggs.</p> <p>6 BY MR. BROWN:</p> <p>7 Q. More expensive because the</p> <p>8 price went up, the open market price went up?</p> <p>9 A. Yes.</p> <p>10 Q. And so who was responsible for</p> <p>11 paying that loss?</p> <p>12 MS. LEVINE: Object to the form</p> <p>13 of the question.</p> <p>14 THE WITNESS: To UEP you mean?</p> <p>15 BY MR. BROWN:</p> <p>16 Q. Yes.</p> <p>17 A. The people who we bought the</p> <p>18 eggs for, who UEP bought the eggs for who</p> <p>19 didn't supply their own eggs in the export.</p> <p>20 Q. And how did you keep track of</p> <p>21 that?</p> <p>22 A. Very carefully. Again, I had a</p> <p>23 spreadsheet.</p> <p>24 Q. And what was on the</p> <p>25 spreadsheet?</p>	<p style="text-align: right;">Page 137</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 companies so, therefore, I was faxed copies</p> <p>3 of all the checks that came in daily. So</p> <p>4 then I was able to record on my invoice that</p> <p>5 they had been paid and then record it in the</p> <p>6 accounting program.</p> <p>7 Q. When you said "all the</p> <p>8 different companies," what were you referring</p> <p>9 to?</p> <p>10 A. The U.S. Egg Marketers members</p> <p>11 who we purchased the eggs for.</p> <p>12 Q. Did USEM and UEP have separate</p> <p>13 accounts?</p> <p>14 A. Oh, yes.</p> <p>15 Q. Was there any commingling of</p> <p>16 those accounts?</p> <p>17 A. No.</p> <p>18 Q. How did you -- if -- well, take</p> <p>19 another document.</p> <p>20 I'm going to hand to you what</p> <p>21 will be marked as Reickard-20.</p> <p>22 - - -</p> <p>23 (Exhibit Reickard-20, E-mail</p> <p>24 chain, Bates UE0475325 &amp; UE0475326,</p> <p>25 was marked for identification.)</p>

35 (Pages 134 - 137)



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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 - - -

3 BY MR. BROWN:

4 Q. This is UE0475325.

5 A. [Reviewing document.]

6 Q. This is e-mail correspondence

7 between you and Gene Gregory, March 14, 2007.

8 Is that correct?

9 A. Yes.

10 Q. The subject of this e-mail is

11 "BJ's salary." Who is BJ?

12 A. That's Billie Jo Correll. She

13 was a former egg trader who had retired, and

14 we brought her back in to purchase the eggs

15 for the people who didn't supply their own

16 eggs for the export.

17 Q. When you say "we," are you

18 referring to UEP or USEM or something else?

19 A. Staff in Georgia brought her

20 back in. I don't know how to answer that

21 question.

22 Q. Do you know whether she was an

23 employee of UEP or USEM?

24 A. Well, at that time she wasn't

25 an employee at all. She was retired.

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 Q. Okay. She was performing --

3 well, how was she paid compensation?

4 MS. LEVINE: Object to the form

5 of the question.

6 THE WITNESS: I assume she was

7 written a check.

8 BY MR. BROWN:

9 Q. Well, I'm just wondering who

10 was it from? Do you know whether it would

11 have been --

12 A. No. That would have been

13 handled in Georgia.

14 Q. If you look at your e-mail to

15 Mr. Gregory, it's at 11:08 a.m., you write,

16 "For the last export we included BJ's

17 compensation as part of UEP's loss. But I'm

18 thinking it should be split half between UEP

19 & USEM. Your thoughts?"

20 Did I read that correctly?

21 A. Yes.

22 Q. Why did you think that it

23 should be split half between UEP and USEM?

24 A. Well, you remember -- you're

25 trying to get me to remember my thoughts back

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 in '07. I guess I thought it was because

3 that way it would include all of the U.S. Egg

4 Marketers members.

5 Q. Meaning that all of the USEM

6 marketer members would be contributing to her

7 compensation?

8 A. Yes.

9 Q. And when you refer to UEP's

10 loss, what were you referring to?

11 A. That was the eggs, again, that

12 UEP purchased for the people that didn't

13 supply their own.

14 Q. So the loss included more than

15 just the difference between the price of the

16 export and the price at which UEP purchased

17 eggs in the open market?

18 MS. LEVINE: Object to the form

19 of the question.

20 THE WITNESS: It could have. If

21 there was any other expenses involved.

22 BY MR. BROWN:

23 Q. Aside from this, do you recall

24 any examples of what those other expenses

25 would have been?

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 A. Not off the top of my head I

3 can't, no.

4 Q. Do you have an understanding

5 why USEM members would agree to an export

6 when there was an export loss?

7 MS. LEVINE: Object to the form

8 of that question.

9 THE WITNESS: You're talking

10 about a loss. At the time -- I think

11 at the time that they agreed to an

12 export, there was an oversupply of

13 eggs and they were probably losing

14 money in their business. And that's

15 why they would agree to it.

16 BY MR. BROWN:

17 Q. Any other reasons in your

18 understanding why they would agree to it?

19 A. Not that I would know of.

20 Q. I'm going to hand to you what

21 will be marked as Exhibit Reickard-21.

22 - - -

23 (Exhibit Reickard-21, E-mail

24 chain, Bates UE0475456 & UE0475457,

25 was marked for identification.)

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 - - -

3 BY MR. BROWN:

4 Q. This is UE0475456.

5 A. [Reviewing document.] Okay.

6 Q. Am I correct that this is

7 e-mail correspondence that you are copied on

8 from November 22, 2006?

9 A. Yes.

10 Q. And if you look at Gene

11 Gregory's e-mail -- well, first, who was

12 Wayne Winslow?

13 A. He is with NuCal Foods. I'm

14 not positive what his -- I don't know if he's

15 manager or CEO or president, but he's with

16 them.

17 Q. Was NuCal Foods a USEM member?

18 A. Yes.

19 Q. If you look at the earliest

20 e-mail in the chain all the way at the

21 bottom.

22 A. Can I take that back?

23 Q. Yes, please.

24 A. I don't know that NuCal --

25 NuCal -- it would be the members of NuCal

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 that were the members of U.S. Egg Marketers,

3 not NuCal itself because they don't have

4 birds.

5 Q. So what is your understanding

6 of NuCal?

7 A. I think they're a cooperative.

8 Q. And NuCal itself doesn't have

9 birds?

10 A. I don't think so, no.

11 Q. Mr. Winslow's e-mail to Gene

12 Gregory, the earliest e-mail in the chain all

13 the way at the bottom says, "Phyllis, Could

14 you please forward NuCal's cost per dozen to

15 participate in this last export."

16 Did I read that correctly?

17 A. Yes.

18 Q. And Mr. Gregory writes back,

19 "I've chosen to respond rather than Phyllis

20 doing so. The cost is big so sit down before

21 you see this and fall over."

22 Did I read that correctly?

23 A. Yes.

24 Q. And then Mr. Winslow responds

25 and says, "We understand how the system works

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 and the benefits of the system."

3 Did I read that correctly?

4 A. Yes.

5 Q. Do you have an understanding of

6 what he's referring to when he discusses the

7 benefits of the system?

8 A. No, I don't know what he

9 thought the benefits of the system were. No.

10 Q. Do you have an understanding of

11 what the benefits of the system are to USEM

12 members?

13 MS. LEVINE: Object to the form

14 of the question. Asked and answered.

15 THE WITNESS: I think the

16 benefit of the program is to stabilize

17 the egg market prices. And that's not

18 just to U.S. Egg Marketers members,

19 that's to all egg producers.

20 BY MR. BROWN:

21 Q. Did -- were non-members allowed

22 to participate in USEM exports?

23 A. I think there were a few times

24 when there was support by non-members, yes.

25 Q. Do you know why that occurred?

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 A. I think they saw the benefit of

3 it. I don't know why they weren't members.

4 Q. Do you know who Paul Sauder is?

5 A. Yes, I do.

6 Q. Who is he?

7 A. He has -- he's a member in

8 Pennsylvania.

9 Q. He is a member of what?

10 A. Well, I would have to refer to

11 my dues list. I know at one time he was a

12 member of the UEA Producer Packers and then

13 he became a member of United Egg Producers.

14 Q. Do you recall when he became a

15 member of United Egg Producers?

16 A. I don't recall that, no.

17 Q. I'm going to hand to you what

18 will be marked as Exhibit Reickard-22.

19 - - -

20 (Exhibit Reickard-22, 1/22/04

21 E-mail, Bates UE0462630, was marked

22 for identification.)

23 - - -

24 BY MR. BROWN:

25 Q. This is UE0462630. And am I

<p style="text-align: right;">Page 146</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 correct that this is an e-mail from you to</p> <p>3 Chad Gregory, January 22, 2004?</p> <p>4 A. Yes.</p> <p>5 Q. And in the e-mail you write,</p> <p>6 "...is the Sauder membership agreement OK?</p> <p>7 Does he qualify?"</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall Sauder's</p> <p>11 membership being an issue?</p> <p>12 A. I'm not aware that it was an</p> <p>13 issue.</p> <p>14 Q. Why were you asking Chad</p> <p>15 Gregory these questions?</p> <p>16 A. I don't really remember.</p> <p>17 Q. I'm going to hand to you what</p> <p>18 will be marked Exhibit Reickard-23.</p> <p>19 - - -</p> <p>20 (Exhibit Reickard-23, E-mail</p> <p>21 chain, Bates UE0476399, was marked for</p> <p>22 identification.)</p> <p>23 - - -</p> <p>24 BY MR. BROWN:</p> <p>25 Q. This is UE0476399. Please take</p>	<p style="text-align: right;">Page 148</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A/P stand for?</p> <p>3 A. Accounts payable.</p> <p>4 Q. So this reflects that someone</p> <p>5 from Sauder called you?</p> <p>6 A. Yes. Or I called to see why</p> <p>7 the invoice hadn't been paid.</p> <p>8 Q. And Mr. Gregory writes back,</p> <p>9 "Paul talked to me about it. He is still a</p> <p>10 supporter but wants to work on each</p> <p>11 individual order rather than being an</p> <p>12 official member. He is concerned that he</p> <p>13 might legally not be qualified but wants to</p> <p>14 be supportive."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Did you have any further</p> <p>18 discussions with Mr. Gregory on this topic?</p> <p>19 MS. LEVINE: Object to the form</p> <p>20 of the question. Lack of foundation.</p> <p>21 THE WITNESS: I don't remember.</p> <p>22 BY MR. BROWN:</p> <p>23 Q. Did you do anything to</p> <p>24 determine whether Sauder was legally</p> <p>25 qualified to be a member of USEM?</p>
<p style="text-align: right;">Page 147</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 a second to review.</p> <p>3 A. Okay.</p> <p>4 Q. Am I correct that this is</p> <p>5 e-mail correspondence between you and Gene</p> <p>6 Gregory, January 31, 2007?</p> <p>7 A. Yes.</p> <p>8 Q. You write, "Sauder is not going</p> <p>9 to pay the USEM 2000 fee. The A/P person</p> <p>10 said Paul just joined for this last export &amp;</p> <p>11 is not becoming a member. Please advise."</p> <p>12 Was Sauder a member of USEM at</p> <p>13 this time?</p> <p>14 A. Well, I thought he was, but</p> <p>15 apparently he wasn't.</p> <p>16 Q. How do you know that he wasn't?</p> <p>17 A. Because the A/P person said</p> <p>18 that -- told me that he had just joined for</p> <p>19 this export.</p> <p>20 Q. So he participated in this</p> <p>21 export. Correct?</p> <p>22 A. Correct.</p> <p>23 Q. But was not a member?</p> <p>24 A. Yes.</p> <p>25 Q. And the A/P person, what does</p>	<p style="text-align: right;">Page 149</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. No, that was not my job.</p> <p>3 Q. Whose --</p> <p>4 A. I had nothing to do with the</p> <p>5 legality of members.</p> <p>6 Q. Whose job was that?</p> <p>7 A. Someone in the Georgia office.</p> <p>8 Q. Anyone in particular come to</p> <p>9 mind?</p> <p>10 MS. LEVINE: Object to the form</p> <p>11 of the question.</p> <p>12 BY MR. BROWN:</p> <p>13 Q. It's fine if you don't know.</p> <p>14 A. It would be one of three</p> <p>15 people, Al, Gene or Chad. I don't know.</p> <p>16 Q. Did Gene ever tell you that</p> <p>17 Sauder was prohibited from participating in</p> <p>18 the exports?</p> <p>19 A. Not that I remember.</p> <p>20 Q. It's fine if you don't</p> <p>21 remember.</p> <p>22 MS. LEVINE: Just to correct</p> <p>23 your record, the questioner said it's</p> <p>24 fine if you don't know.</p> <p>25 BY MR. BROWN:</p>

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<p style="text-align: right;">Page 150</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Do you recall other non-members</p> <p>3 participating in USEM exports?</p> <p>4 A. Non-USEM members?</p> <p>5 Q. Yes.</p> <p>6 A. Yes, there were some.</p> <p>7 Q. What about non-UEP members?</p> <p>8 A. I believe there was one, yes.</p> <p>9 Q. Are you thinking of one in</p> <p>10 particular?</p> <p>11 A. Yes.</p> <p>12 Q. Who is it?</p> <p>13 A. Weiss Lake.</p> <p>14 Q. Where is Weiss Lake located?</p> <p>15 A. I don't remember.</p> <p>16 Q. Okay. I'm going to hand to you</p> <p>17 what will be marked as Reickard-24.</p> <p>18 - - -</p> <p>19 (Exhibit Reickard-24, E-mail</p> <p>20 chain, Bates UE0651561, was marked for</p> <p>21 identification.)</p> <p>22 - - -</p> <p>23 BY MR. BROWN:</p> <p>24 Q. This is UE0651561.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 152</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Yes.</p> <p>3 Q. Mr. Gregory writes to you that</p> <p>4 "Tim VandeBunte from Konos, Inc. in Martin,</p> <p>5 Michigan said his company would like to</p> <p>6 provide financial support for the current</p> <p>7 export. I suggested to Tim that he pay his</p> <p>8 fair share of the export loss as if he was a</p> <p>9 member and in this way he would be an equal</p> <p>10 participate."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. You're saying there's a</p> <p>14 mistake?</p> <p>15 A. I think there's a typo there,</p> <p>16 yes.</p> <p>17 Q. Do you know who Tim VandeBunte</p> <p>18 is?</p> <p>19 A. Yes.</p> <p>20 Q. Who is he?</p> <p>21 A. He's either the president or</p> <p>22 manager of Konos Egg in Michigan.</p> <p>23 Q. And do you know what -- is</p> <p>24 Konos Egg an egg producer?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 151</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Actually let's see, I think we</p> <p>3 said Weiss Lake, is that the egg producer --</p> <p>4 not referring to that document, the entity</p> <p>5 that participated in the USEM export that you</p> <p>6 thought was not a UEP member, how do you</p> <p>7 spell that?</p> <p>8 A. W-E-I-S-E, I think.</p> <p>9 Q. And what did they do?</p> <p>10 A. I don't know anything about</p> <p>11 them.</p> <p>12 Q. Do you know whether -- so you</p> <p>13 don't know whether they were an egg producer?</p> <p>14 A. No. I believe that they were a</p> <p>15 member of U.S. Egg Marketers when we took</p> <p>16 over the management agreement. So I really</p> <p>17 don't know anything about it.</p> <p>18 Q. But at some point they stopped</p> <p>19 being a member of USEM. Correct?</p> <p>20 A. Without looking at my list, but</p> <p>21 I think that's correct, yes.</p> <p>22 Q. Back to Reickard-24. This is</p> <p>23 e-mail correspondence between you and Gene</p> <p>24 Gregory from April 25, 2007. Is that</p> <p>25 correct?</p>	<p style="text-align: right;">Page 153</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And then you respond to Mr.</p> <p>3 Gregory, "Will do."</p> <p>4 Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. So at this time you were</p> <p>7 intending to, as Mr. Gregory suggested --</p> <p>8 well, when you say "Will do," what were you</p> <p>9 intending to do?</p> <p>10 A. Contact him.</p> <p>11 Q. And contact him and ask him to</p> <p>12 do what?</p> <p>13 A. It looks like I was supposed to</p> <p>14 tell him what the export loss might have been</p> <p>15 for a company of his size. So I assume</p> <p>16 that's what I did. But I don't remember.</p> <p>17 Q. I'm going to hand to you what</p> <p>18 will be marked as Exhibit Reickard-25.</p> <p>19 - - -</p> <p>20 (Exhibit Reickard-25, E-mail</p> <p>21 chain, Bates UE0473018 &amp; UE0473019,</p> <p>22 was marked for identification.)</p> <p>23 - - -</p> <p>24 THE WITNESS: Okay.</p> <p>25 BY MR. BROWN:</p>

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2 Q. Am I correct that this is

3 various e-mails that you were either sending

4 or receiving on April 30, 2007?

5 A. One of them was on that date,

6 yes.

7 Q. And if you go to the earliest

8 e-mail in the chain, this is an e-mail from

9 you to Mr. Tim VandeBunte, and you write,

10 "Per Gene's request, it looks like your part

11 of the loss on the last export of 300 loads

12 would have been around \$40,700 based on

13 1.4 million birds."

14 Did I read that correctly?

15 A. Yes.

16 Q. So consistent with what we saw

17 in Exhibit Reickard-24 where you had said

18 that you were going to reach out to

19 Mr. VandeBunte, this is you actually reaching

20 out to him. Is that correct?

21 A. Yes.

22 Q. And you were asking him to pay

23 \$40,700. Is that correct?

24 A. No.

25 Q. What were you asking him to do?

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 MS. LEVINE: Object to the form

3 of the question.

4 THE WITNESS: I told him that if

5 he had participated on the last

6 export, that would have been

7 approximately what he would have had

8 to pay.

9 BY MR. BROWN:

10 Q. Mr. VandeBunte responds, "We

11 are willing to participate in the export

12 through the sale of our eggs to USEM." I

13 think that's another typo, but did I read

14 that?

15 A. Yes.

16 Q. And you respond -- well, not to

17 him, but you respond to Gene Gregory and

18 Phyllis Blizzard and say, "I'm assuming he'll

19 sell to us at the export price. Since he's

20 not a USEM member, I'd assume that's the only

21 way we'd accept his help???"

22 Did I read that correctly?

23 A. Yes.

24 Q. Why was that the only way that

25 USEM would accept his help?

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 MS. LEVINE: Object to the form

3 of the question.

4 THE WITNESS: I guess I don't

5 remember why I asked that.

6 BY MR. BROWN:

7 Q. Do you remember why -- well,

8 you write that you assume that he'll sell to

9 us at the export price. Are you referring to

10 UEP there?

11 A. Yes.

12 Q. And when you say the export --

13 A. Well, I guess I'm not --

14 Q. I'm sorry, go ahead.

15 A. I'm not sure who I'm referring

16 to there. Okay. I guess I'm not sure who

17 I'm referring to there.

18 Q. And when you refer to the

19 export price, what is that?

20 A. The price that we're getting

21 from the buyer, the export buyer.

22 Q. Is that different than the

23 market price?

24 A. Well, again, this is a timing

25 issue, so at the time the export is taken, it

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 might not have been different. But as time

3 goes on, it probably was.

4 Q. Do you recall whether it was

5 different at this time?

6 A. No, I don't recall that at all.

7 Q. When you write -- if you go

8 back to the earlier e-mail chain when you're

9 writing to Mr. VandeBunte on April 25, you

10 write, "However, it looks like quotes will go

11 up more this time, so we will probably have a

12 greater loss."

13 Did I read that correctly?

14 A. Yes.

15 Q. Why were you predicting that

16 quotes will go up more this time?

17 A. I don't remember.

18 Q. What quotes were you referring

19 to?

20 A. The egg quotes.

21 Q. Is that a market quote?

22 A. Yes. I was referring to the

23 Urner Barry market quotes.

24 Q. I'm going to hand to you what

25 will be marked as Exhibit Reickard-26.



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2 - - -

3 (Exhibit Reickard-26, E-mail

4 chain, Bates UE0455637, was marked for

5 identification.)

6 - - -

7 BY MR. BROWN:

8 Q. This is UE0455637. Am I

9 correct that this is e-mail correspondence

10 between you and Mr. Barrie Wilcox --

11 A. Yes.

12 Q. -- from July 18 of 2008?

13 A. Yes.

14 Q. Who is Mr. Wilcox?

15 A. He was the owner of Wilcox

16 Farms in Washington.

17 Q. And you write, "We sent you

18 invoice 11713 on 6/27 for your share of the

19 export loss, but have not received payment."

20 Did I read that correctly?

21 A. Yes.

22 Q. And then Colleen Henderson

23 responds, Payment was mailed Tuesday of last

24 week.

25 Did I read that correctly?

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2 A. Yes.

3 Q. Is Colleen Hendrickson from

4 Wilcox Farms?

5 A. Yes, she's the accounts payable

6 person from Wilcox.

7 Q. This reflects that -- well, is

8 or was Wilcox Farms at this time a USEM

9 member?

10 A. I would have to look at my

11 list, but I think he was a supporter at that

12 time, not a member.

13 Q. When you say "supporter," what

14 do you mean?

15 A. He wanted to help with the

16 export.

17 Q. So this reflects that he did

18 help with the export. Is that correct?

19 A. Yes, it does.

20 Q. By paying -- well, he sent a

21 check, who was the check made out to?

22 A. It would have been made out to

23 United Egg Producers.

24 Q. How did -- were you responsible

25 for keeping track of -- well, so if this

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2 check comes in, who is responsible for

3 keeping track of that?

4 A. I was.

5 Q. And how did you do that?

6 A. To make sure that the checks

7 came in?

8 Q. Yes.

9 A. I had invoices. And if I had

10 an invoice that hadn't been paid, then I

11 would check on it.

12 Q. Did you make a distinction

13 between invoices from members and invoices

14 from what you referred to as supporters?

15 A. No. If anybody owed money, I

16 checked on it.

17 Q. Do you know what the Long Range

18 Planning Committee is?

19 A. Yes.

20 Q. What is your understanding of

21 that?

22 A. My understanding is that that

23 committee thinks long range as to -- comes up

24 with ideas and suggestions and maybe what the

25 egg industry should do in the future.

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2 Q. Is that committee still -- does

3 that committee still exist?

4 MS. LEVINE: Object to the form

5 of the question.

6 THE WITNESS: I'm not sure.

7 MS. LEVINE: My objection is

8 really based on the fact that she's

9 retired. So if you ask until the

10 present, she's retired.

11 MR. BROWN: Okay.

12 BY MR. BROWN:

13 Q. I'm going to hand to you what

14 will be marked as Exhibit Reickard-27.

15 - - -

16 (Exhibit Reickard-27, 2/2/07

17 E-mail, Bates UE0473423 & UE0473424,

18 was marked for identification.)

19 - - -

20 BY MR. BROWN:

21 Q. This is UE0473423. Please take

22 a minute to review.

23 A. [Reviewing document.] Okay.

24 Q. Am I correct that this is an

25 e-mail from Chad Gregory to Roger Deffner,



<p style="text-align: right;">Page 162</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 copying you among others --</p> <p>3 A. Yes.</p> <p>4 Q. -- on February 2, 2007?</p> <p>5 A. Yes.</p> <p>6 Q. And Mr. Gregory is proposing</p> <p>7 ideas for the Long Range Planning Committee</p> <p>8 to consider. Is that correct?</p> <p>9 A. Looks like it, yes.</p> <p>10 Q. He says in "No particular</p> <p>11 order:" Point 1 "Potato / Supply Control</p> <p>12 Program under USEM." Point 2 "USEM future</p> <p>13 export opportunities / focus and possibly</p> <p>14 expanded role."</p> <p>15 Did I read that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have an understanding</p> <p>18 why Mr. Gregory was proposed a potato/supply</p> <p>19 control program under USEM?</p> <p>20 MS. LEVINE: Object to the form</p> <p>21 of the question.</p> <p>22 THE WITNESS: I do not.</p> <p>23 BY MR. BROWN:</p> <p>24 Q. Do you know whether that</p> <p>25 occurred?</p>	<p style="text-align: right;">Page 164</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 the meetings were set up right. Food.</p> <p>3 Q. Did you typically travel --</p> <p>4 MS. MARKOWITZ: Could the</p> <p>5 witness speak a little louder or maybe</p> <p>6 get closer to the mic or move the mic</p> <p>7 closer to her?</p> <p>8 MR. BROWN: It's on her lapel.</p> <p>9 MS. LEVINE: I think they're</p> <p>10 just saying you have to speak up a</p> <p>11 little bit.</p> <p>12 MS. MARKOWITZ: Thank you.</p> <p>13 MS. LEVINE: No problem.</p> <p>14 BY MR. BROWN:</p> <p>15 Q. Did you typically -- in</p> <p>16 connection with UEP meetings, did you</p> <p>17 typically travel to those meetings?</p> <p>18 A. I typically traveled to the big</p> <p>19 meetings. If they had committee meetings</p> <p>20 sometime during the year, I usually did not</p> <p>21 go to those.</p> <p>22 Q. Prior to the meetings, did you</p> <p>23 communicate with UEP members?</p> <p>24 A. The notices were sent out by</p> <p>25 the Georgia office, but they usually came to</p>
<p style="text-align: right;">Page 163</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. I do not.</p> <p>3 MR. BROWN: Can we take a quick</p> <p>4 break?</p> <p>5 MS. LEVINE: Sure.</p> <p>6 VIDEOGRAPHER: The time is</p> <p>7 approximately 1:42 p.m. This ends</p> <p>8 tape three. We're now off the record.</p> <p>9 - - -</p> <p>10 (A recess was taken.)</p> <p>11 - - -</p> <p>12 VIDEOGRAPHER: The time is</p> <p>13 approximately 2:02 p.m. This begins</p> <p>14 tape four. We are back on the record.</p> <p>15 BY MR. BROWN:</p> <p>16 Q. Good afternoon.</p> <p>17 I believe -- well, this morning</p> <p>18 I think you testified about one of your</p> <p>19 duties that UEP related to organizing</p> <p>20 meetings. Is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And what did that involve?</p> <p>23 A. Site visits to hotels. Signing</p> <p>24 contracts with hotels. Getting meeting rooms</p> <p>25 for whatever meetings we needed. Making sure</p>	<p style="text-align: right;">Page 165</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 me so that I could have an attendance list</p> <p>3 and know who was coming so I was able to make</p> <p>4 plans for how big the rooms needed to be.</p> <p>5 Q. Who or what usually came to</p> <p>6 you? Did the notices come to you?</p> <p>7 A. Well, I always got a copy of</p> <p>8 the notice, yes. So I could refer to it if I</p> <p>9 had any questions. And we usually sent out</p> <p>10 registration forms so those forms would come</p> <p>11 to me.</p> <p>12 Q. UEP members would fill out</p> <p>13 those forms and send them to you. Is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And that would tell you who is</p> <p>17 attending the meetings. Correct?</p> <p>18 A. Yes.</p> <p>19 Q. Were there any limits on who</p> <p>20 could attend UEP meetings?</p> <p>21 A. You mean the number of people</p> <p>22 that could attend?</p> <p>23 Q. I mean, well, could a member of</p> <p>24 the public attend a UEP meeting?</p> <p>25 MS. LEVINE: Object to the form</p>

<p style="text-align: right;">Page 166</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 of the question.</p> <p>3 THE WITNESS: Well, I guess they</p> <p>4 could because sometimes we had</p> <p>5 speakers that were from the public</p> <p>6 that attended the meetings, so...</p> <p>7 BY MR. BROWN:</p> <p>8 Q. Let me hand to you what will be</p> <p>9 marked as Exhibit Reickard-28.</p> <p>10 - - -</p> <p>11 (Exhibit Reickard-28, E-mail</p> <p>12 chain, Bates UE0883026 &amp; UE0883027,</p> <p>13 was marked for identification.)</p> <p>14 - - -</p> <p>15 BY MR. BROWN:</p> <p>16 Q. This is UE0883026. Please take</p> <p>17 a minute to review.</p> <p>18 A. [Reviewing document.] Okay.</p> <p>19 Q. If you look at the earliest</p> <p>20 e-mail in the chain, this is from you to Chad</p> <p>21 Gregory on August 20, 2007. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you're talking about a</p> <p>24 Michael Melhorn from MainJoy Unlimited. Is</p> <p>25 that correct?</p>	<p style="text-align: right;">Page 168</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Because we had area meetings</p> <p>3 the last two weeks of August.</p> <p>4 Q. There is another e-mail in the</p> <p>5 chain from you to Chad Gregory on August 20,</p> <p>6 2007. Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. You're referring to Michael</p> <p>9 Melhorn, and you write, "He thinks he's</p> <p>10 already a member because he says he's getting</p> <p>11 our newsletter. I said I'd check &amp; let him</p> <p>12 know. You might want to check with Patricia</p> <p>13 to see why he may be getting the newsletter."</p> <p>14 Did I read that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. Who is Patricia?</p> <p>17 A. She was the person in the</p> <p>18 Georgia office sending out the newsletter at</p> <p>19 that time.</p> <p>20 Q. She was a UEP -- excuse me.</p> <p>21 She was a UEP employee?</p> <p>22 A. Yes.</p> <p>23 Q. Why did you suggest that he</p> <p>24 check with Patricia?</p> <p>25 A. To see if for some reason this</p>
<p style="text-align: right;">Page 167</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Correct. Yes.</p> <p>3 Q. Is that an egg producer, if you</p> <p>4 know?</p> <p>5 A. I don't know.</p> <p>6 Q. You write, "We don't allow</p> <p>7 allied people to attend unless they are</p> <p>8 members, correct?"</p> <p>9 Did I read that correctly?</p> <p>10 A. Yes.</p> <p>11 Q. Was that your understanding of</p> <p>12 the rules for attending meetings?</p> <p>13 MS. LEVINE: Object to the form</p> <p>14 of the question.</p> <p>15 THE WITNESS: This was an area</p> <p>16 meeting, and to my knowledge, the only</p> <p>17 people invited or who knew about these</p> <p>18 area meetings were either members of</p> <p>19 UEA or UEP.</p> <p>20 BY MR. BROWN:</p> <p>21 Q. How do you know this was an</p> <p>22 area meeting?</p> <p>23 A. Because of the date.</p> <p>24 Q. What about the date tells you</p> <p>25 that it's an area meeting?</p>	<p style="text-align: right;">Page 169</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 man was on the list to get the newsletter and</p> <p>3 maybe shouldn't have been.</p> <p>4 Q. And the reason that maybe he</p> <p>5 shouldn't have been is because he was not a</p> <p>6 UEP member. Correct?</p> <p>7 MS. LEVINE: Object to the form</p> <p>8 of the question.</p> <p>9 THE WITNESS: Not a UEA member.</p> <p>10 BY MR. BROWN:</p> <p>11 Q. And the reference to the</p> <p>12 newsletter, is that a reference to United</p> <p>13 Voices?</p> <p>14 A. Yes.</p> <p>15 Q. So other than this being an</p> <p>16 area -- well, withdrawn.</p> <p>17 Do you recall any other time</p> <p>18 that you restricted attendance at UEP</p> <p>19 meetings?</p> <p>20 A. I didn't restrict attendance.</p> <p>21 That would have been the management in the</p> <p>22 Georgia office that would restrict</p> <p>23 attendance. I might question it in case they</p> <p>24 didn't know that somebody was signed up.</p> <p>25 Q. Do you recall a time when UEP</p>

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2 restricted -- management in the Georgia

3 office restricted attendance?

4 MS. LEVINE: Which meetings are

5 you referring to?

6 MR. BROWN: I'm just asking her

7 if she recalls a time.

8 THE WITNESS: And you can't give

9 me a specific meeting?

10 BY MR. BROWN:

11 Q. I will, I'm just -- it's fine,

12 withdrawn.

13 I'm going to hand to you what

14 will be marked as Exhibit Reickard-29.

15 - - -

16 (Exhibit Reickard-29, E-mail

17 chain, Bates UE0475486, was marked for

18 identification.)

19 - - -

20 BY MR. BROWN:

21 Q. And this is UE0475486.

22 A. Okay.

23 Q. This is e-mail correspondence

24 between you and Gene Gregory, November 18,

25 2006. Is that correct?

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2 A. Yes.

3 Q. And you are discussing -- well,

4 the subject line is "Economic Summit." Is

5 that correct?

6 A. Yes.

7 Q. Do you know what that refers

8 to?

9 A. I believe that there was an

10 Economic Summit meeting sometime in there.

11 Q. You write, "I thought this was

12 open only to UEP members, but I've had some

13 allied sign up. Do we tell them they can't

14 come?"

15 Did I read that correctly?

16 A. Yes, you did.

17 Q. Why did you think that this was

18 open only to UEP members?

19 A. I don't remember.

20 Q. Mr. Gregory writes back to you,

21 "For Capper Volstead we must insist that only

22 UEP members attend. Apologize to any Allied

23 member and explain this is for their

24 protection."

25 Did I read that correctly?

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2 A. Yes.

3 Q. Does that refresh your

4 recollection as to why this meeting was open

5 only to UEP members?

6 A. Not really.

7 Q. Did you understand what -- what

8 is your understanding of what Mr. Gregory

9 meant when he said "For Capper Volstead we

10 must insist that only UEP members attend"?

11 MS. LEVINE: Object to the form

12 of the question.

13 THE WITNESS: I don't -- I don't

14 know exactly what he was referring to

15 specifically about Capper-Volstead. I

16 mean...

17 BY MR. BROWN:

18 Q. Do you have an understanding

19 generally?

20 A. Of Capper-Volstead?

21 Q. Yes.

22 A. Not really.

23 Q. What is your understanding of

24 Capper-Volstead?

25 A. I don't understand it, so...

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2 Q. Do you recall having

3 conversations with Mr. Gregory about

4 Capper-Volstead?

5 A. Not anything in particular that

6 I remember.

7 Q. Do you know who Land O'Lakes

8 is?

9 A. Yes.

10 Q. Who is Land O'Lakes?

11 MS. LEVINE: Object to the form

12 of the question.

13 THE WITNESS: They were a member

14 of UEP at one time, I think. I would

15 have to refer to my dues list. And

16 then I believe that they bought Moark.

17 I'm not sure what else you want to

18 know about them.

19 BY MR. BROWN:

20 Q. Were they an egg producer?

21 MS. LEVINE: Object to the form

22 of the question.

23 THE WITNESS: I believe they

24 owned layers.

25 BY MR. BROWN:

<p style="text-align: right;">Page 174</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And -- well, I'm going to hand</p> <p>3 to you Exhibit Reickard-30.</p> <p>4 - - -</p> <p>5 (Exhibit Reickard-30, E-mail</p> <p>6 chain, Bates UE0881403 &amp; UE0881404,</p> <p>7 was marked for identification.)</p> <p>8 - - -</p> <p>9 BY MR. BROWN:</p> <p>10 Q. This is UE0881403. Please take</p> <p>11 a minute to review.</p> <p>12 A. [Reviewing document.] Okay.</p> <p>13 Q. And this is e-mail</p> <p>14 correspondence, well, between you and Gene</p> <p>15 Gregory on January 9, 2007. Is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you write to Mr. Gregory,</p> <p>18 "Since Land O'Lakes is no longer a member of</p> <p>19 UEP, can 4 people from there attend Economic</p> <p>20 Summit?"</p> <p>21 Did I read that correctly?</p> <p>22 A. Yes.</p> <p>23 Q. How would Land O'Lakes'</p> <p>24 membership in UEP -- well, withdrawn.</p> <p>25 Would Land O'Lakes' membership</p>	<p style="text-align: right;">Page 176</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 - - -</p> <p>3 BY MR. BROWN:</p> <p>4 Q. This is UE0881896.</p> <p>5 A. Okay.</p> <p>6 Q. And this, again, is e-mail</p> <p>7 correspondence between you and Gene Gregory,</p> <p>8 January 9, 2007. Is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you write to -- well, we'll</p> <p>11 go back.</p> <p>12 Mr. Gregory writes to you, The</p> <p>13 meeting should be for egg producers and</p> <p>14 members of UEP or UEA Producer Packers. I</p> <p>15 feel bad for Land O'Lakes so please tell me</p> <p>16 who they are.</p> <p>17 Did you I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. You write back to him, I</p> <p>20 understand that, but you have okayed -- but</p> <p>21 you have -- excuse me.</p> <p>22 You write back, "I understand</p> <p>23 that, but some you have OK'd, so I've been</p> <p>24 checking with you before telling them that</p> <p>25 they can't come."</p>
<p style="text-align: right;">Page 175</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 in UEP affect whether or not they could</p> <p>3 attend the Economic Summit?</p> <p>4 MS. LEVINE: Object to the form</p> <p>5 of the question.</p> <p>6 THE WITNESS: Well, from other</p> <p>7 information you've shown me, it</p> <p>8 indicated that only UEP members could</p> <p>9 attend the Economic Summit. So I'm</p> <p>10 obviously questioning this since they</p> <p>11 were no longer a member.</p> <p>12 BY MR. BROWN:</p> <p>13 Q. And other than the document</p> <p>14 that we've -- the documents that we've</p> <p>15 already looked at, do you have any</p> <p>16 understanding, any other understanding why</p> <p>17 only UEP members were allowed to attend this</p> <p>18 Economic Summit?</p> <p>19 A. No.</p> <p>20 Q. I'm handing to you what will be</p> <p>21 marked as Exhibit Reickard-31.</p> <p>22 - - -</p> <p>23 (Exhibit Reickard-31, E-mail</p> <p>24 chain, Bates UE0881896 &amp; UE0881897,</p> <p>25 was marked for identification.)</p>	<p style="text-align: right;">Page 177</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. And this reflects that Mr.</p> <p>5 Gregory had okayed some non-members attending</p> <p>6 this Egg Economic Summit. Is that correct?</p> <p>7 MS. LEVINE: Object to the form</p> <p>8 of the question.</p> <p>9 THE WITNESS: It sounds like it</p> <p>10 according to this e-mail. I don't</p> <p>11 remember.</p> <p>12 BY MR. BROWN:</p> <p>13 Q. Do you have any reason to doubt</p> <p>14 that?</p> <p>15 A. No.</p> <p>16 Q. I'm going to show to you what</p> <p>17 will be marked Exhibit Reickard-32.</p> <p>18 - - -</p> <p>19 (Exhibit Reickard-32, E-mail</p> <p>20 chain, Bates UE0475479, was marked for</p> <p>21 identification.)</p> <p>22 - - -</p> <p>23 BY MR. BROWN:</p> <p>24 Q. This is UE0475479.</p> <p>25 A. Okay.</p>

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<p style="text-align: right;">Page 178</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. This is an e-mail from you to</p> <p>3 Mr. Keith Staggs, January 9, 2007. Is that</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you write, "I'm sorry, but</p> <p>7 the Economic Summit is open only to UEP</p> <p>8 members. That is because of our</p> <p>9 Capper-Volstead status which allows us to</p> <p>10 talk about pricing."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Does that refresh your</p> <p>14 recollection as to why this Economic Summit</p> <p>15 was open only to UEP members?</p> <p>16 A. Yes.</p> <p>17 Q. Now, how does the fact that</p> <p>18 this meeting would -- well, withdrawn.</p> <p>19 This reflects that it was</p> <p>20 anticipated that at this Economic Summit,</p> <p>21 there would be talk about pricing. Is that</p> <p>22 correct?</p> <p>23 A. That's what it sounds like,</p> <p>24 yes.</p> <p>25 Q. And how does talking about</p>	<p style="text-align: right;">Page 180</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. How were the dues for UEP</p> <p>3 decided?</p> <p>4 A. Those were board decisions.</p> <p>5 Q. Was it based on hen capacity --</p> <p>6 A. Yes.</p> <p>7 Q. -- for UEP?</p> <p>8 A. Yes.</p> <p>9 Q. What about for UEA?</p> <p>10 A. No. It was just a set amount.</p> <p>11 Q. I'm going to hand to you</p> <p>12 Exhibit Reickard-33.</p> <p>13 - - -</p> <p>14 (Exhibit Reickard-33, 5/18/04</p> <p>15 E-mail, Bates UE0462596, was marked</p> <p>16 for identification.)</p> <p>17 - - -</p> <p>18 BY MR. BROWN:</p> <p>19 Q. This is UE0462596.</p> <p>20 A. [Reviewing document.] Okay.</p> <p>21 Q. And this is an e-mail from you</p> <p>22 to Gene Gregory, May 18, 2004.</p> <p>23 A. Yes.</p> <p>24 Q. And you write, "Do we have a</p> <p>25 committee list with e-mail addresses for this</p>
<p style="text-align: right;">Page 179</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 pricing affect the Capper-Volstead status of</p> <p>3 UEP?</p> <p>4 MS. LEVINE: Object to the form</p> <p>5 of the question. This witness</p> <p>6 certainly is not a lawyer, so she</p> <p>7 can't reach a legal conclusion. She</p> <p>8 can answer to the facts she knows.</p> <p>9 THE WITNESS: I don't know.</p> <p>10 BY MR. BROWN:</p> <p>11 Q. Were you involved at all with</p> <p>12 UEA?</p> <p>13 A. Only in invoicing for their</p> <p>14 fees.</p> <p>15 Q. Invoicing members for their --</p> <p>16 invoicing the members of UEA. Is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And how were the invoices for</p> <p>19 UEA determined?</p> <p>20 A. From the membership list.</p> <p>21 Q. How were the amount of the</p> <p>22 invoices determined?</p> <p>23 A. I believe when UEA, the</p> <p>24 different groups had meetings, they decided</p> <p>25 on how much they were charging for fees.</p>	<p style="text-align: right;">Page 181</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 UEA Price Discovery Committee that is meeting</p> <p>3 6/3? I've only heard from 3 people &amp; my</p> <p>4 cutoff date is in 2 days."</p> <p>5 Did I read that correctly?</p> <p>6 A. You did.</p> <p>7 Q. You're making a face.</p> <p>8 A. Because it doesn't make sense.</p> <p>9 As far as I know, UEA never had a Price</p> <p>10 Discovery Committee, so I'm thinking that was</p> <p>11 a typo, but I don't remember any of this,</p> <p>12 so...</p> <p>13 Q. You don't recall a UEA Price</p> <p>14 Discovery Committee meeting?</p> <p>15 A. No, I don't.</p> <p>16 Q. Were there any restrictions on</p> <p>17 membership in UEA?</p> <p>18 A. I guess I don't know.</p> <p>19 Q. Were non-producers,</p> <p>20 non-farmers, were they able to become UEA</p> <p>21 members?</p> <p>22 MS. LEVINE: Object to the form.</p> <p>23 THE WITNESS: You need to be</p> <p>24 more specific because -- I'm sorry.</p> <p>25 MS. LEVINE: Go ahead.</p>

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2 THE WITNESS: Because UE -- we

3 had three different UEA groups.

4 BY MR. BROWN:

5 Q. What are the three?

6 A. Allied, Producer Packers, I

7 can't think of the third one. I think there

8 was three. Further Processors.

9 Q. Okay. For UEA Allied, were

10 non-producers or non-farmers permitted to be

11 members?

12 MS. LEVINE: Object to the form

13 of the question.

14 THE WITNESS: Yes.

15 BY MR. BROWN:

16 Q. For UEA Producer Packers, were

17 non-farmers or non-producers permitted to be

18 members?

19 A. I don't know.

20 Q. And what about for UEA Further

21 Processors?

22 A. I don't know.

23 Q. Do you know what the entity

24 Environmental Management Solutions is?

25 A. It sounds familiar.

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2 Q. EMS?

3 A. It sounds familiar.

4 Q. Let me -- I'm going to hand to

5 you what will be marked as Exhibit

6 Reickard-34.

7 - - -

8 (Exhibit Reickard-34, 3/24/05

9 Letter, Bates UE0078274, was marked

10 for identification.)

11 - - -

12 THE WITNESS: Okay.

13 BY MR. BROWN:

14 Q. This is a March 24, 2005,

15 letter from Gene Gregory on which you are

16 copied. Is that correct?

17 A. Yes.

18 Q. This is to Mr. Earl Dotson at

19 Environmental Management Solutions. Is that

20 correct?

21 A. Yes.

22 Q. Mr. Gregory writes, As we

23 discussed, we will not display EMS on any

24 membership list in order to avoid what some

25 might consider a conflict of interest.

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 Did I read that correctly?

3 A. Yes.

4 Q. Was EMS one of the auditors for

5 the UEP Certified Program?

6 A. I believe it is -- it was. The

7 reason why I didn't recognize it is because I

8 think that they changed their name to Validus

9 soon after this.

10 Q. Let me hand to you what will be

11 marked as Exhibit Reickard-35, but you can

12 keep that one in hand.

13 - - -

14 (Exhibit Reickard-35, E-mail

15 chain, Bates UE0626924, was marked for

16 identification.)

17 - - -

18 BY MR. BROWN:

19 Q. This is UE0626924. And am I

20 correct this is e-mail correspondence between

21 you and Mr. Gregory March 24, 2005?

22 A. Yes.

23 Q. You write, "I'm not sure I

24 understand your letter. Are we keeping their

25 check for \$1800 & are they going to be

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2 members of UEA?"

3 Did I read that correctly?

4 A. Yes.

5 Q. What was it about -- well, do

6 you understand this to be a reference to

7 Exhibit Gregory-34, the letter that I just

8 showed you?

9 A. Yes.

10 Q. What was it about the letter

11 that you didn't understand?

12 MS. LEVINE: Object to the form

13 of the question.

14 THE WITNESS: I think I was just

15 trying to verify that they were indeed

16 going to be a UEA Allied member and

17 that we were going to keep their

18 check.

19 BY MR. BROWN:

20 Q. And Mr. Gregory writes back, we

21 will keep their check and treat them as a UEA

22 member, but will not post their name on any

23 membership list. In doing this we hope to

24 avoid any conflict and to make sure EMS is

25 viewed as an independent third party auditor.



<p style="text-align: right;">Page 186</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. What did you understand Mr.</p> <p>5 Gregory to mean when he wrote "avoid any</p> <p>6 conflict"?</p> <p>7 MS. LEVINE: Object to the form</p> <p>8 of the question.</p> <p>9 THE WITNESS: My understanding</p> <p>10 was that this company was an auditor</p> <p>11 for the certified program, and that he</p> <p>12 thought maybe if people saw their name</p> <p>13 on the Allied list, that they thought</p> <p>14 maybe we were preferring them against</p> <p>15 any of the other audit companies.</p> <p>16 BY MR. BROWN:</p> <p>17 Q. And so the way that Mr. Gregory</p> <p>18 is proposing to deal with that potential</p> <p>19 conflict is to not post their name on any</p> <p>20 membership list. Is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Were the dues that UEA members</p> <p>23 paid, were those kept separate from the dues</p> <p>24 paid by UEP members?</p> <p>25 A. Most definitely.</p>	<p style="text-align: right;">Page 188</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 THE WITNESS: Did you say UEP?</p> <p>3 BY MR. BROWN:</p> <p>4 Q. Yes.</p> <p>5 A. Yes.</p> <p>6 Q. What about USEM?</p> <p>7 A. I'm sure that Sherry had a</p> <p>8 financial statement from them. I think she</p> <p>9 had a financial statement for all of the</p> <p>10 different ones.</p> <p>11 Q. But that -- well, for -- I</p> <p>12 guess we'll just -- on USEM, that was not</p> <p>13 your responsibility. Correct?</p> <p>14 A. No, that was not my</p> <p>15 responsibility.</p> <p>16 Q. What about for UEP?</p> <p>17 A. That was not my responsibility.</p> <p>18 Q. And for UEP that would have</p> <p>19 been Sherry Shedd. Is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. What about for UEA?</p> <p>22 A. That was also her responsibility.</p> <p>23 Q. And she was a UEP employee. Is</p> <p>24 that correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 187</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. How were they kept separate?</p> <p>3 A. In separate bank accounts.</p> <p>4 Q. And did you use any accounting</p> <p>5 software or anything like that to keep</p> <p>6 records?</p> <p>7 A. Yes.</p> <p>8 Q. What did you use?</p> <p>9 A. Cougar Mountain.</p> <p>10 Q. What about USEM, did USEM have</p> <p>11 a separate bank account?</p> <p>12 A. Yes.</p> <p>13 Q. Were you responsible for</p> <p>14 keeping records related to those bank</p> <p>15 accounts?</p> <p>16 A. No.</p> <p>17 Q. Who was?</p> <p>18 A. Sherry in the Georgia office.</p> <p>19 Q. Sherry, her last name is?</p> <p>20 A. Shedd.</p> <p>21 Q. Did UEP have a profit/loss</p> <p>22 statement or any other kind of accounting for</p> <p>23 the dues that it received?</p> <p>24 MS. LEVINE: Object to the form</p> <p>25 of the question.</p>	<p style="text-align: right;">Page 189</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. I'm going to hand to you what</p> <p>3 will be marked as Exhibit Reickard-36.</p> <p>4 - - -</p> <p>5 (Exhibit Reickard-36, E-mail</p> <p>6 chain, Bates UE0465190 &amp; UE0465191,</p> <p>7 was marked for identification.)</p> <p>8 - - -</p> <p>9 BY MR. BROWN:</p> <p>10 Q. This is UE0465190.</p> <p>11 A. [Reviewing document.] Okay.</p> <p>12 Q. And this is e-mail</p> <p>13 correspondence from February 3, 2004, on</p> <p>14 which you are copied. Is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. The earliest e-mail in the</p> <p>17 chain is the e-mail from Bill Bradley. Is</p> <p>18 that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Who is Mr. Bill Bradley?</p> <p>21 A. He is part of the Country Creek</p> <p>22 or CCF.</p> <p>23 Q. What is Country Creek or CCF?</p> <p>24 A. Well, they were a member of</p> <p>25 Producer Packers or UEP. I would have to</p>

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<p style="text-align: right;">Page 190</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 check my list.</p> <p>3 Q. Mr. Bradley writes, this is</p> <p>4 towards the end, fourth line, fourth from the</p> <p>5 bottom. "We do understand your concerns with</p> <p>6 those in the industry that will try to use</p> <p>7 any situation to stop UEP."</p> <p>8 Do you have an understanding of</p> <p>9 what Mr. Bradley is referring to?</p> <p>10 A. I have no idea.</p> <p>11 Q. Mr. Gregory then writes to you</p> <p>12 and says, this should -- let's see, "You</p> <p>13 already invoiced them for UEP membership and</p> <p>14 they took the discount and paid the net of</p> <p>15 \$877.80."</p> <p>16 Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. He also writes, "The dollar</p> <p>19 amount is not the important part - just the</p> <p>20 transfer of membership."</p> <p>21 Do you have an understanding</p> <p>22 what he meant?</p> <p>23 A. No, I don't.</p> <p>24 Q. Then you write back to him, "OK</p> <p>25 - we'll leave the income in UEP &amp; transfer</p>	<p style="text-align: right;">Page 192</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Okay.</p> <p>3 Q. This is e-mail correspondence</p> <p>4 between you and Mr. Gene Gregory, March 16,</p> <p>5 2006. Is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Who is Gary Bartness?</p> <p>8 A. He is with Hillandale of Iowa.</p> <p>9 Q. Did you speak with him</p> <p>10 regularly?</p> <p>11 A. Not regularly, but</p> <p>12 occasionally.</p> <p>13 Q. So this reflects that Mr.</p> <p>14 Bartness you say, "...Gary Bartness told me</p> <p>15 yesterday that non-ACC eggs can hardly be</p> <p>16 given away right now."</p> <p>17 Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Do you know why Mr. Bartness</p> <p>20 had informed of you that?</p> <p>21 A. I don't remember why, no.</p> <p>22 Q. Was this in connection with the</p> <p>23 Egg Trading Program?</p> <p>24 A. I don't know. I don't</p> <p>25 remember.</p>
<p style="text-align: right;">Page 191</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 the membership."</p> <p>3 Did I read that correctly?</p> <p>4 A. Yes.</p> <p>5 Q. And this reflects that UEP</p> <p>6 would leave the income from Country Creek in</p> <p>7 a UEP account. Is that correct?</p> <p>8 A. That's what it indicates.</p> <p>9 Q. And that Country Creek would be</p> <p>10 transferred to UEP Producer Packers</p> <p>11 membership?</p> <p>12 A. Correct.</p> <p>13 Q. I think you spoke just a bit</p> <p>14 this morning about the Egg Trading Program.</p> <p>15 Is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Let me show you what will be</p> <p>18 marked as Exhibit Reickard-37.</p> <p>19 - - -</p> <p>20 (Exhibit Reickard-37, E-mail</p> <p>21 chain, Bates UE0461743, was marked for</p> <p>22 identification.)</p> <p>23 - - -</p> <p>24 BY MR. BROWN:</p> <p>25 Q. This is UE0461743.</p>	<p style="text-align: right;">Page 193</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. You also write that he said, he</p> <p>3 referring to Mr. Bartness, that there's at</p> <p>4 least \$0.20 per dozen difference between ACC</p> <p>5 and non-ACC.</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall why there was a</p> <p>9 difference of \$0.20 per dozen?</p> <p>10 A. No, I would have no idea.</p> <p>11 Q. Was that typical?</p> <p>12 A. I don't know.</p> <p>13 Q. I'm handing you what will be</p> <p>14 marked as Exhibit Reickard-38.</p> <p>15 - - -</p> <p>16 (Exhibit Reickard-38, 3/17/06</p> <p>17 E-mail, Bates UE0461432, was marked</p> <p>18 for identification.)</p> <p>19 - - -</p> <p>20 BY MR. BROWN:</p> <p>21 Q. This is UE041432 (sic).</p> <p>22 A. [Reviewing document.]</p> <p>23 Q. This is an e-mail from Gene</p> <p>24 Gregory to Peter DeCoster copying you and</p> <p>25 Linda Reickard -- excuse me, copying you and</p>

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<p style="text-align: right;">Page 194</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Chad Gregory on March 17, 2006.</p> <p>3 A. Correct.</p> <p>4 Q. And in the middle of the</p> <p>5 page -- well, who is Peter DeCoster?</p> <p>6 A. I would have to look on my</p> <p>7 dues -- my official dues list, but I think he</p> <p>8 was the manager of the Wright County Egg Farm</p> <p>9 in Iowa.</p> <p>10 Q. And in the middle of the page,</p> <p>11 Mr. Gregory writes, Currently most of the</p> <p>12 surplus eggs being sold within the industry</p> <p>13 trade are from non-certified companies,</p> <p>14 certified companies are choosing not to</p> <p>15 purchase these surplus eggs unless there is a</p> <p>16 major discount. We are hearing of eggs</p> <p>17 selling for as much as \$0.15 to \$0.20 below</p> <p>18 Certified eggs. I don't think you want your</p> <p>19 company to lose this status.</p> <p>20 Did I read that correctly?</p> <p>21 A. Yes.</p> <p>22 Q. Is it consistent with your</p> <p>23 recollection that certified companies were</p> <p>24 choosing to not purchase surplus eggs unless</p> <p>25 there was a major discount?</p>	<p style="text-align: right;">Page 196</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 couldn't be positive. It sounds to me like</p> <p>3 this was just regular egg trading.</p> <p>4 MR. BROWN: Can we take another</p> <p>5 quick break?</p> <p>6 MS. LEVINE: Sure.</p> <p>7 VIDEOGRAPHER: The time is</p> <p>8 approximately 2:48 p.m. We're off the</p> <p>9 record.</p> <p>10 - - -</p> <p>11 (A recess was taken.)</p> <p>12 - - -</p> <p>13 VIDEOGRAPHER: The time is</p> <p>14 approximately 2:56 p.m. We're back on</p> <p>15 the record.</p> <p>16 BY MR. BROWN:</p> <p>17 Q. I am going to hand to you what</p> <p>18 will be marked as Exhibit Reickard-40.</p> <p>19 - - -</p> <p>20 (Exhibit Reickard-40, E-mail,</p> <p>21 Bates UE0273539 &amp; UE0273540, was</p> <p>22 marked for identification.)</p> <p>23 - - -</p> <p>24 BY MR. BROWN:</p> <p>25 Q. And this is UE0273539. Please</p>
<p style="text-align: right;">Page 195</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. I don't know that. I wasn't</p> <p>3 involved in the trading on that side of it.</p> <p>4 Q. I'm handing to you what will be</p> <p>5 marked as Exhibit Reickard-39.</p> <p>6 - - -</p> <p>7 (Exhibit Reickard-39, 5/15/08</p> <p>8 E-mail, Bates UE0882870, was marked</p> <p>9 for identification.)</p> <p>10 - - -</p> <p>11 BY MR. BROWN:</p> <p>12 Q. And this is UE0882870.</p> <p>13 A. [Reviewing document.] Okay.</p> <p>14 Q. This is an e-mail from Derreck</p> <p>15 Nassar to you, May 15, 2008. Is that</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Who is Derreck Nassar?</p> <p>19 A. An employee of UEP.</p> <p>20 Q. Where was he -- which office?</p> <p>21 A. Georgia.</p> <p>22 Q. He writes about a -- some</p> <p>23 e-mails from Toby at Michael Foods. Is this</p> <p>24 related to exports?</p> <p>25 A. I don't think so, but I</p>	<p style="text-align: right;">Page 197</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 take a minute to review.</p> <p>3 A. [Reviewing document.] Okay.</p> <p>4 Q. And this is e-mail</p> <p>5 correspondence between you and Gene Gregory,</p> <p>6 December 3, 2004. Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Mr. Gregory -- this is</p> <p>9 about Country -- the subject line is "ACC -</p> <p>10 Country Creek." Does that refer to Animal</p> <p>11 Care Certified?</p> <p>12 A. Yes.</p> <p>13 Q. And Country Creek is who?</p> <p>14 A. Country Creek is Country Creek.</p> <p>15 I don't know how to answer that.</p> <p>16 Q. Are they an egg producer or an</p> <p>17 egg farmer?</p> <p>18 A. Well, according to this e-mail,</p> <p>19 they're an egg producer at this point.</p> <p>20 Q. Mr. Gregory writes, this is at</p> <p>21 the bottom of the first page of what I just</p> <p>22 handed you, "What Country Creek did was</p> <p>23 purchase some hens from Maxim so that they</p> <p>24 could satisfy Wal-Mart's intent to have all</p> <p>25 suppliers be producers."</p>

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<p style="text-align: right;">Page 198</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Do you have an understanding</p> <p>5 what he's referring to when he says,</p> <p>6 "...Wal-Mart's intent to have all suppliers</p> <p>7 be egg producers"?</p> <p>8 A. I don't.</p> <p>9 Q. You write back to Mr. Gregory,</p> <p>10 "So they keep their numbers and pay their</p> <p>11 fees, but we don't require any monthly</p> <p>12 reports from them?"</p> <p>13 Did I read that correctly?</p> <p>14 A. Yes.</p> <p>15 Q. Is that consistent with what</p> <p>16 your -- withdrawn.</p> <p>17 Is that consistent with what</p> <p>18 happened with Country Creek's membership?</p> <p>19 MS. LEVINE: Object to the form.</p> <p>20 THE WITNESS: Membership in</p> <p>21 what?</p> <p>22 BY MR. BROWN:</p> <p>23 Q. Well, in the UEP Certified</p> <p>24 Program?</p> <p>25 A. I don't remember anything about</p>	<p style="text-align: right;">Page 200</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. I made part of them, Sherry</p> <p>3 made part of them.</p> <p>4 Q. The records on the Cougar</p> <p>5 Mountain database, were those UEP records?</p> <p>6 MS. LEVINE: Object to the form</p> <p>7 of the question.</p> <p>8 THE WITNESS: Cougar Mountain</p> <p>9 allowed you to have different</p> <p>10 companies in that software.</p> <p>11 BY MR. BROWN:</p> <p>12 Q. So were some of the entries UEP</p> <p>13 entries?</p> <p>14 A. Yes.</p> <p>15 Q. And some were USEM?</p> <p>16 A. Yes.</p> <p>17 Q. And some were UEA?</p> <p>18 A. Yes.</p> <p>19 Q. And responsibility for entering</p> <p>20 data onto the database, you were partly</p> <p>21 responsible for that?</p> <p>22 A. Yes.</p> <p>23 Q. And Sherry Shedd also was</p> <p>24 responsible for that?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 199</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 this, so I'm just reading this as you are,</p> <p>3 so...</p> <p>4 Q. You don't have any reason to</p> <p>5 doubt that they kept their number and paid</p> <p>6 their fees. Correct?</p> <p>7 A. No, I don't have any --</p> <p>8 MS. LEVINE: Object to the form</p> <p>9 of the question.</p> <p>10 BY MR. BROWN:</p> <p>11 Q. And you don't have any reason</p> <p>12 to doubt that UEP from then on did not</p> <p>13 require any monthly reports from them. Is</p> <p>14 that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. And I think earlier today you</p> <p>17 mentioned the Cougar Mountain database. Did</p> <p>18 I say that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. Who was responsible for</p> <p>21 maintaining that database?</p> <p>22 A. You mean the entries?</p> <p>23 Q. Yes.</p> <p>24 A. Accounting entries?</p> <p>25 Q. Yes.</p>	<p style="text-align: right;">Page 201</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Was there any -- how did you</p> <p>3 divide up responsibility between the two of</p> <p>4 you?</p> <p>5 A. I handled most of the invoicing</p> <p>6 and I handled all of the recording of</p> <p>7 accounts receivable, the checks, although I</p> <p>8 didn't ever physically have the checks, they</p> <p>9 were all down in Georgia. And I entered a</p> <p>10 lot of the accounts payable.</p> <p>11 Q. And so the physical checks were</p> <p>12 in Georgia. Is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And so how would you then know</p> <p>15 what to enter into the database related to</p> <p>16 the physical checks? Would someone e-mail</p> <p>17 you?</p> <p>18 A. Wait. Are you talking about</p> <p>19 the checks coming in to us paying for</p> <p>20 something --</p> <p>21 Q. Yes.</p> <p>22 A. -- or the checks going out?</p> <p>23 Q. Which checks were you</p> <p>24 responsible for in terms of data entry on the</p> <p>25 Cougar Mountain database?</p>

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<p style="text-align: right;">Page 202</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. The checks we received for</p> <p>3 accounts payable.</p> <p>4 Q. So the checks that you</p> <p>5 received, the check arrives in the Georgia</p> <p>6 office?</p> <p>7 A. For accounts receivable -- I'm</p> <p>8 sorry, not payable.</p> <p>9 Q. Let's -- let me back up because</p> <p>10 I'm confused.</p> <p>11 The checks that you received in</p> <p>12 the Georgia office --</p> <p>13 A. Yes.</p> <p>14 Q. -- those stayed there, but you</p> <p>15 were the one who entered data onto the Cougar</p> <p>16 Mountain database?</p> <p>17 A. Yes.</p> <p>18 Q. How did you know what to enter</p> <p>19 onto the -- how did you know what to enter?</p> <p>20 A. Because all the checks were --</p> <p>21 copies of the checks were faxed to me</p> <p>22 everyday along with the deposit slip.</p> <p>23 Q. Do you know whether the records</p> <p>24 from the Cougar Mountain database were</p> <p>25 collected in connection with this litigation?</p>	<p style="text-align: right;">Page 204</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 the way we did meetings. So, yeah, there</p> <p>3 were changes over the years.</p> <p>4 Q. What were the changes that</p> <p>5 occurred after you got new counsel?</p> <p>6 MS. LEVINE: Object to the form</p> <p>7 of the question, as to which meetings</p> <p>8 you're talking about.</p> <p>9 MR. BROWN: Will you read the</p> <p>10 question back?</p> <p>11 - - -</p> <p>12 (The court reporter read the</p> <p>13 pertinent part of the record.)</p> <p>14 - - -</p> <p>15 THE WITNESS: Are you referring</p> <p>16 to all meetings?</p> <p>17 BY MR. BROWN:</p> <p>18 Q. Well, you said "I know that</p> <p>19 when we got new counsel, he changed the way</p> <p>20 we did meetings." What meetings were you</p> <p>21 referring to?</p> <p>22 A. Mostly the three large meetings</p> <p>23 that we had during the year.</p> <p>24 Q. What are those three meetings?</p> <p>25 A. There's a meeting of -- they're</p>
<p style="text-align: right;">Page 203</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. I know that some of them were,</p> <p>3 yes.</p> <p>4 Q. Do you know that some of them</p> <p>5 were not?</p> <p>6 A. I don't know what was and what</p> <p>7 wasn't.</p> <p>8 Q. We had talked just a couple</p> <p>9 minutes ago about the Egg Economic Summit in</p> <p>10 2007.</p> <p>11 A. Yes.</p> <p>12 Q. Prior to that time, do you</p> <p>13 recall ever -- withdrawn.</p> <p>14 Do you recall any other</p> <p>15 meetings prior to that time where attendance</p> <p>16 at the meeting was restricted?</p> <p>17 MS. LEVINE: Object to the form</p> <p>18 of the question.</p> <p>19 THE WITNESS: I don't remember.</p> <p>20 BY MR. BROWN:</p> <p>21 Q. And what about after that time?</p> <p>22 A. 2007 is what you said?</p> <p>23 Q. Yes.</p> <p>24 A. Things changed over time. I</p> <p>25 know that when we got new counsel, he changed</p>	<p style="text-align: right;">Page 205</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 board meetings. There's a board meeting in</p> <p>3 January, there's a board meeting in May, and</p> <p>4 then a board meeting, an annual meeting in</p> <p>5 October.</p> <p>6 Q. Are those all UEP meetings?</p> <p>7 A. They are UEP meetings. And</p> <p>8 there could be other -- UEA groups could also</p> <p>9 have meetings at least at this time.</p> <p>10 Q. And when -- so when you refer</p> <p>11 to changes to the way that UEP did meetings,</p> <p>12 those three board meetings were the meetings</p> <p>13 that you were referring to?</p> <p>14 A. Yes.</p> <p>15 Q. And how did -- what were the</p> <p>16 changes?</p> <p>17 A. I know that counsel would read</p> <p>18 a statement at the beginning of each meeting.</p> <p>19 I don't remember the specifics of that. I</p> <p>20 know that we changed -- the committee</p> <p>21 meetings would have an informational part and</p> <p>22 then they would be closed for any executive</p> <p>23 decisions to be made. The same with the</p> <p>24 board meeting. I'm sure that there was</p> <p>25 probably other changes, I can't think exactly</p>

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<p style="text-align: right;">Page 206</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 what.</p> <p>3 Q. Do you have an understanding as</p> <p>4 to why those changes were made?</p> <p>5 MS. LEVINE: Objection to the</p> <p>6 form of the question. You may answer</p> <p>7 that other than any other advice or</p> <p>8 advice that you have heard from any</p> <p>9 counsel for UEP. If you can answer</p> <p>10 without divulging advice, you can</p> <p>11 answer. If you can't, then you can</p> <p>12 tell Mr. Brown, or even if you know</p> <p>13 why.</p> <p>14 THE WITNESS: I don't think I</p> <p>15 know why.</p> <p>16 MR. BROWN: Can we take a quick</p> <p>17 break, I think that I'm done, but I</p> <p>18 just want to confer for just a minute.</p> <p>19 MS. LEVINE: Yes. We'll leave.</p> <p>20 VIDEOGRAPHER: The time is</p> <p>21 approximately 3:08 p.m. We are off</p> <p>22 the record.</p> <p>23 - - -</p> <p>24 (A recess was taken.)</p> <p>25 - - -</p>	<p style="text-align: right;">Page 208</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. First, just to clarify the</p> <p>3 record, did you use this report to verify and</p> <p>4 come up with your dues list?</p> <p>5 A. No.</p> <p>6 Q. What was the purpose of this</p> <p>7 UEP Certified Guideline Monthly Compliance</p> <p>8 Report that's been previously marked as</p> <p>9 Reickard-4?</p> <p>10 A. It was just a self check for</p> <p>11 the producers to make sure that they were</p> <p>12 abiding by the guidelines.</p> <p>13 Q. So it was sort of like a self</p> <p>14 evaluation?</p> <p>15 MR. SLIDDERS: Objection.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. LEVINE:</p> <p>18 Q. What was the purpose of the</p> <p>19 form in terms of the certified program?</p> <p>20 A. As a self check.</p> <p>21 Q. If a member did not fill out</p> <p>22 one of these compliance self check forms as</p> <p>23 you describe it, did you remind the member?</p> <p>24 A. Yes, we did.</p> <p>25 Q. And why did you do that?</p>
<p style="text-align: right;">Page 207</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 VIDEOGRAPHER: The time is</p> <p>3 approximately 3:47 p.m. This begins</p> <p>4 tape five. We're back on the record.</p> <p>5 - - -</p> <p>6 EXAMINATION</p> <p>7 - - -</p> <p>8 BY MS. LEVINE:</p> <p>9 Q. Good afternoon, Ms. Reickard.</p> <p>10 A. Good afternoon.</p> <p>11 Q. As you know, my name is Jan</p> <p>12 Levine, and I am the lawyer for United States</p> <p>13 Egg Producers and United States Egg</p> <p>14 Marketers. We all appreciate your time</p> <p>15 today. We know that taking a deposition is a</p> <p>16 long day. So thank you very much, and I hope</p> <p>17 that I won't be too long. If you get tired,</p> <p>18 you just tell me and you can take a break and</p> <p>19 walk around.</p> <p>20 I'd like -- you have the</p> <p>21 exhibits that plaintiffs' counsel have showed</p> <p>22 you today. Can you take out R-4 which was</p> <p>23 this monthly compliance report. Do you have</p> <p>24 it in front of you?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 209</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Because we wanted them to fill</p> <p>3 out the form so they would know if they were</p> <p>4 in compliance or not because we wanted them</p> <p>5 to be -- to pass their audit every year.</p> <p>6 Q. And why did you want them to</p> <p>7 pass their audit?</p> <p>8 A. So that we knew that they were</p> <p>9 humanely treating their birds correctly.</p> <p>10 Q. And did you remind the members</p> <p>11 if they didn't complete their self check in</p> <p>12 writing?</p> <p>13 A. Yes, we sent them a letter.</p> <p>14 Q. And did you -- so explain to</p> <p>15 me, when you got this report, what did you do</p> <p>16 on each page?</p> <p>17 A. I went through each page to</p> <p>18 make sure that they had filled everything</p> <p>19 out. If anything was missing, then we</p> <p>20 notified them that something was missing and</p> <p>21 we asked them to completely fill out the form</p> <p>22 and send it back to us.</p> <p>23 Q. And what was the concern if</p> <p>24 something was missing?</p> <p>25 A. That they wouldn't know if they</p>

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<p style="text-align: right;">Page 210</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 were in compliance or not.</p> <p>3 Q. And then they could possibly</p> <p>4 fail the audit?</p> <p>5 A. Yes.</p> <p>6 Q. Did you follow up -- if they</p> <p>7 didn't check off something, did you follow up</p> <p>8 to make sure that they then did it?</p> <p>9 A. No. Most of them would send it</p> <p>10 back completed, but we did not follow up if</p> <p>11 they didn't.</p> <p>12 Q. Did you write to members about</p> <p>13 a variety of these issues on the --</p> <p>14 MR. SLIDDERS: Objection.</p> <p>15 MS. LEVINE: Strike that.</p> <p>16 BY MS. LEVINE:</p> <p>17 Q. Did you write to certified</p> <p>18 members on a variety of the requirements</p> <p>19 identified on the monthly compliance part?</p> <p>20 MR. SLIDDERS: Objection.</p> <p>21 BY MS. LEVINE:</p> <p>22 Q. You can answer.</p> <p>23 A. Okay. Yes, there was a variety</p> <p>24 of things that they missed putting in. The</p> <p>25 biggest thing was the fact that we didn't</p>	<p style="text-align: right;">Page 212</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 incomplete houses?</p> <p>3 A. You mean on this report?</p> <p>4 Q. Yes.</p> <p>5 A. I don't think that happened</p> <p>6 very often.</p> <p>7 Q. You can put that exhibit away.</p> <p>8 Now, in terms of the dues list</p> <p>9 that you have testified to today, why did you</p> <p>10 use the capacity layer number instead of the</p> <p>11 actual hen numbers?</p> <p>12 A. Because we needed to be</p> <p>13 consistent with everyone, and every day there</p> <p>14 would be a different number of layers on</p> <p>15 every farm. So using the capacity numbers</p> <p>16 would be a more accurate way to keep track of</p> <p>17 everything.</p> <p>18 Q. And I'm sorry, going back to</p> <p>19 Reickard-4, the compliance report that we</p> <p>20 just looked at, this form actually, when the</p> <p>21 producer would fill out this form, this was</p> <p>22 actually layers, is that correct, as opposed</p> <p>23 to capacity?</p> <p>24 A. That's correct. This was</p> <p>25 actual layers.</p>
<p style="text-align: right;">Page 211</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 even get the reports.</p> <p>3 Q. Turn to page 3 of this report.</p> <p>4 How long did we decide that you have worked</p> <p>5 for either Midwest or UEP?</p> <p>6 A. 35 years.</p> <p>7 Q. 35 years. In your 35 years'</p> <p>8 experience, did producers typically fill</p> <p>9 houses to the full capacity of the house?</p> <p>10 MR. SLIDDERS: Objection.</p> <p>11 THE WITNESS: I think so, yes.</p> <p>12 BY MS. LEVINE:</p> <p>13 Q. I think you had responded to an</p> <p>14 earlier question about an incomplete house,</p> <p>15 and I just want to understand. I think what</p> <p>16 you said, but correct me if I'm wrong, that</p> <p>17 in your experience, that houses were getting</p> <p>18 filled toward the end of the month and then</p> <p>19 the next month they would be filled to</p> <p>20 capacity. Is that correct?</p> <p>21 A. Yes.</p> <p>22 MR. SLIDDERS: Objection.</p> <p>23 BY MS. LEVINE:</p> <p>24 Q. How frequently did UEP</p> <p>25 certified members inform you that they had</p>	<p style="text-align: right;">Page 213</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. For the compliance?</p> <p>3 A. Yes, that they housed that</p> <p>4 month, yes.</p> <p>5 Q. I want to go through your</p> <p>6 process for verifying the accuracy of UEP</p> <p>7 member layer capacity numbers. I'm going to</p> <p>8 ask you to describe it and then I'm going to</p> <p>9 see if I could show you the pieces of paper</p> <p>10 that you identified or the steps that you</p> <p>11 took.</p> <p>12 So first of all, did you verify</p> <p>13 the accuracy of UEP member layer capacity</p> <p>14 numbers?</p> <p>15 MR. SLIDDERS: Objection.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. LEVINE:</p> <p>18 Q. And how did you do that?</p> <p>19 A. Well, when we first</p> <p>20 consolidated and I was doing it, I was taking</p> <p>21 the numbers that we had on record and we</p> <p>22 always showed those on the invoice, and, of</p> <p>23 course, figured the amount of money that they</p> <p>24 owed using those layer numbers. Then the</p> <p>25 invoices would come back either with the</p>

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<p style="text-align: right;">Page 214</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 check or ahead of time saying they would</p> <p>3 either cross out the number of layers and</p> <p>4 write in a new layer, the layers that they</p> <p>5 had then, or I would get a phone call saying</p> <p>6 this isn't correct, it needs to be this now.</p> <p>7 So that was how we did it at the beginning</p> <p>8 and then as time evolved, I did more -- I got</p> <p>9 tired of making all the adjusting entries on</p> <p>10 the invoices, so ahead of time we started</p> <p>11 calling, sending out letters, asking for</p> <p>12 layer numbers. And then towards the end, we</p> <p>13 made sure we contacted everybody and got</p> <p>14 answers from everybody before we did the</p> <p>15 invoices so we would not have to make any</p> <p>16 corrections.</p> <p>17 Q. And when you talked to</p> <p>18 producers on the phone, who did you usually</p> <p>19 talk to?</p> <p>20 A. I would usually ask for the</p> <p>21 owner or the main contact of the company.</p> <p>22 Q. And did you actually talk to</p> <p>23 the owner or the main contact at the company?</p> <p>24 A. Most of the time. They might</p> <p>25 refer me to someone else who was more</p>	<p style="text-align: right;">Page 216</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 you. Is that what you were talking about,</p> <p>3 the time frame?</p> <p>4 A. Yes. Because I only had</p> <p>5 Midwest people.</p> <p>6 Q. When there was the</p> <p>7 consolidation and then there was a UEP</p> <p>8 membership form, did you use that UEP</p> <p>9 membership form in any way in your dues list</p> <p>10 and your dues review?</p> <p>11 MR. SLIDDERS: Objection.</p> <p>12 THE WITNESS: To tell you the</p> <p>13 truth, I don't remember what form they</p> <p>14 gave me the information, so I'm just</p> <p>15 not positive about that, what form it</p> <p>16 came in.</p> <p>17 BY MS. LEVINE:</p> <p>18 Q. Okay. We'll show you some</p> <p>19 documents.</p> <p>20 MS. LEVINE: I'm going to hand</p> <p>21 this to the court reporter,</p> <p>22 Reickard-41. I'm also going to mark</p> <p>23 at the same time Reickard-42.</p> <p>24 - - -</p> <p>25 (Exhibits Reickard-41, UEP</p>
<p style="text-align: right;">Page 215</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 knowledgeable about that, but I would start</p> <p>3 with them because I wouldn't know who to ask.</p> <p>4 Q. And then you would verify those</p> <p>5 numbers on the phone with the owner or the</p> <p>6 main contact or whoever they identified as</p> <p>7 the most knowledgeable?</p> <p>8 MR. SLIDDERS: Objection.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. LEVINE:</p> <p>11 Q. I want to start with the</p> <p>12 beginning of the process. Once you came over</p> <p>13 to UEP. Let's start there.</p> <p>14 A. Okay.</p> <p>15 Q. How did you first know the</p> <p>16 layer capacity number?</p> <p>17 A. I would have been given a list</p> <p>18 from the Georgia office to start with.</p> <p>19 Q. Did you look at a list or did</p> <p>20 you look at a membership form?</p> <p>21 A. I don't remember exactly what</p> <p>22 form they gave it to me in.</p> <p>23 Q. When a new member -- so just to</p> <p>24 be clear, when you were coming over from</p> <p>25 Midwest to UEP, someone provided a list to</p>	<p style="text-align: right;">Page 217</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Membership Agreement, Bates UE0147924;</p> <p>3 and Reickard-42, Dues list, Bates</p> <p>4 UE0147924 - UE0299972, were marked for</p> <p>5 identification.)</p> <p>6 - - -</p> <p>7 MS. LEVINE: For those on the</p> <p>8 phone, Reickard-41 is Bates stamp</p> <p>9 UE0147924 and it says "United Egg</p> <p>10 Producers Membership Agreement." And</p> <p>11 Reickard-42 is a multipage document</p> <p>12 entitled "Member Layers," and it's</p> <p>13 stamped UE0299967 to UE0299972.</p> <p>14 BY MS. LEVINE:</p> <p>15 Q. Do you see both of those</p> <p>16 documents, Ms. Reickard?</p> <p>17 A. Yes.</p> <p>18 Q. Are they familiar to you?</p> <p>19 A. Yes.</p> <p>20 Q. Can you identify what</p> <p>21 Reickard-41 is?</p> <p>22 A. That's United Egg Producers'</p> <p>23 application for membership.</p> <p>24 Q. And whose application is it or</p> <p>25 membership form is it?</p>

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<p style="text-align: right;">Page 218</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Hillandale Gettysburg LP.</p> <p>3 Q. And what date is on that</p> <p>4 membership application?</p> <p>5 A. May 20 of '02.</p> <p>6 Q. Can you identify what</p> <p>7 Reickard-42 is?</p> <p>8 A. That's my spreadsheet of my</p> <p>9 member and dues list.</p> <p>10 Q. Is this what you would refer to</p> <p>11 as a dues list?</p> <p>12 A. Yes.</p> <p>13 Q. When you testified this</p> <p>14 morning, many times you used the word "dues</p> <p>15 list," is this the document that you were</p> <p>16 referring to?</p> <p>17 A. Yes.</p> <p>18 Q. And you kept these each and</p> <p>19 every year?</p> <p>20 A. Yes.</p> <p>21 Q. Let's look at the entry on</p> <p>22 Reickard-42 for Hillandale Gettysburg LP?</p> <p>23 A. Okay.</p> <p>24 Q. Do you have that page open?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 220</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Georgia?</p> <p>3 A. Yes.</p> <p>4 Q. And that your office was in</p> <p>5 Iowa?</p> <p>6 A. Yes.</p> <p>7 Q. Is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And would the membership forms</p> <p>10 come to you in Iowa by mail or fax?</p> <p>11 A. Usually fax.</p> <p>12 Q. And how would you know in this</p> <p>13 example to put in 3,655,500 layers?</p> <p>14 MR. SLIDERS: Objection. You</p> <p>15 just need to clarify that. That was</p> <p>16 not a correct number.</p> <p>17 BY MS. LEVINE:</p> <p>18 Q. Why don't you read it to me?</p> <p>19 A. 3,565,500.</p> <p>20 Q. And is that the same number on</p> <p>21 the Hillandale form which appears on R-41?</p> <p>22 A. Yes.</p> <p>23 Q. And what is the number over to</p> <p>24 the right where the dollar sign is?</p> <p>25 A. That's the amount of dues based</p>
<p style="text-align: right;">Page 219</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And can you just read into the</p> <p>3 record what page number that is on the</p> <p>4 bottom?</p> <p>5 A. Three.</p> <p>6 Q. And for the record, it's</p> <p>7 UE0299969?</p> <p>8 A. Yes.</p> <p>9 Q. Is there an entry for</p> <p>10 Hillandale Gettysburg LP?</p> <p>11 A. Yes.</p> <p>12 Q. Is that your handwriting where</p> <p>13 it says added?</p> <p>14 A. Yes.</p> <p>15 Q. What does that mean to you?</p> <p>16 A. I added that membership on this</p> <p>17 sheet.</p> <p>18 Q. And how does the Reickard-41</p> <p>19 relate to that entry, the membership form</p> <p>20 relate to that entry?</p> <p>21 A. I got the membership name and</p> <p>22 information off of the membership form and</p> <p>23 the amount of birds.</p> <p>24 Q. And would Georgia -- I think</p> <p>25 you talked about that UEP's offices were in</p>	<p style="text-align: right;">Page 221</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 on those number of hens.</p> <p>3 Q. And is that what you would</p> <p>4 invoice Hillandale Gettysburg LP for?</p> <p>5 A. Yes. That would be their</p> <p>6 yearly amount.</p> <p>7 Q. How would you know whether</p> <p>8 Hillandale Gettysburg LP was a member of UEP</p> <p>9 in 2003?</p> <p>10 A. I would look on my dues list.</p> <p>11 Q. The dues list that you're</p> <p>12 looking at right now?</p> <p>13 A. Yes.</p> <p>14 Q. And that would confirm for you</p> <p>15 that they were a member?</p> <p>16 A. Yes.</p> <p>17 Q. And why is that?</p> <p>18 A. Because this was the bible.</p> <p>19 Every member was on this list with their</p> <p>20 capacity layer numbers.</p> <p>21 Q. And if you invoiced a member</p> <p>22 and it was -- strike that question. We</p> <p>23 already went over that.</p> <p>24 On the document you're looking</p> <p>25 at, the entry before Hillandale Gettysburg</p>

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<p style="text-align: right;">Page 222</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 LP, what is that member's name?</p> <p>3 A. Hillandale Farms of Iowa.</p> <p>4 Q. And are you familiar with that</p> <p>5 member?</p> <p>6 A. Yes.</p> <p>7 Q. And do you know them to be a</p> <p>8 farmer, producer?</p> <p>9 A. Yes.</p> <p>10 MR. SLIDDERS: Objection.</p> <p>11 MS. LEVINE: I'm going to mark</p> <p>12 the next document as Reickard-43.</p> <p>13 - - -</p> <p>14 (Exhibit Reickard-43, UEP</p> <p>15 Membership Agreement, Bates UE0147923,</p> <p>16 was marked for identification.)</p> <p>17 - - -</p> <p>18 MS. LEVINE: Reickard-43 for the</p> <p>19 record is Bates stamped UE0147923.</p> <p>20 BY MS. LEVINE:</p> <p>21 Q. Ms. Reickard, on your dues form</p> <p>22 at page 3 on Reickard-42, where did you get</p> <p>23 the 16,000 layer capacity number from?</p> <p>24 A. It would have been from this</p> <p>25 membership agreement.</p>	<p style="text-align: right;">Page 224</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Bates stamped UE0268031 through UE0268035.</p> <p>3 Ms. Reickard, can you identify</p> <p>4 Reickard-44?</p> <p>5 A. Yes, this is my dues document.</p> <p>6 Q. Is this also the bible?</p> <p>7 A. Yes, it is.</p> <p>8 Q. The dues bible?</p> <p>9 A. Yes.</p> <p>10 Q. Why don't we take a look at,</p> <p>11 again, Hillandale Farms of Iowa, which is IA.</p> <p>12 Do you see that entry?</p> <p>13 A. Yes.</p> <p>14 Q. And what page is that entry on?</p> <p>15 A. 2.</p> <p>16 Q. And what does this line tell</p> <p>17 you about Hillandale Farms of Iowa?</p> <p>18 A. It tells me that they still</p> <p>19 have 16,000 birds and it tells me their dues</p> <p>20 amount.</p> <p>21 MR. SLIDDERS: Objection.</p> <p>22 BY MS. LEVINE:</p> <p>23 Q. What is their dues amount?</p> <p>24 A. \$112.</p> <p>25 MS. LEVINE: Mark the next</p>
<p style="text-align: right;">Page 223</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And do you know -- it is signed</p> <p>3 by a gentleman named Gary, do you know the</p> <p>4 signature of that?</p> <p>5 A. Yes, Gary Bartness.</p> <p>6 Q. Do you know him?</p> <p>7 A. I do.</p> <p>8 Q. And have you spoken to him?</p> <p>9 A. I have.</p> <p>10 Q. And have you spoken to him ever</p> <p>11 about his flock sizes?</p> <p>12 A. I would have verified his flock</p> <p>13 sizes. I don't know if it would have been</p> <p>14 spoken or if it would have been per the</p> <p>15 letter.</p> <p>16 MS. LEVINE: Mark the next</p> <p>17 document R-44.</p> <p>18 - - -</p> <p>19 (Exhibit Reickard-44, Dues List,</p> <p>20 Bates UE0268031 - UE0268035, was</p> <p>21 marked for identification.)</p> <p>22 - - -</p> <p>23 BY MS. LEVINE:</p> <p>24 Q. R-44 is another dues list</p> <p>25 that's compiled of several pages, and they're</p>	<p style="text-align: right;">Page 225</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 document as R-45.</p> <p>3 - - -</p> <p>4 (Exhibit Reickard-45, 10/25/07</p> <p>5 E-mail, Bates UE0654487, was marked</p> <p>6 for identification.)</p> <p>7 - - -</p> <p>8 MS. LEVINE: For the record,</p> <p>9 R-45 is Bates stamped UE0654487.</p> <p>10 BY MS. LEVINE:</p> <p>11 Q. Can you identify Reickard-45?</p> <p>12 A. Yes.</p> <p>13 Q. And what is it?</p> <p>14 A. It's a letter that my office</p> <p>15 would send out usually in October to verify</p> <p>16 bird numbers for all of our members. And</p> <p>17 this particular one is to Gary Bartness of</p> <p>18 Hillandale Farms of Iowa.</p> <p>19 Q. Now, the document at paragraph</p> <p>20 2, can you read just paragraph 2 into the</p> <p>21 record, because I'm going to ask you a couple</p> <p>22 of questions?</p> <p>23 A. "We would like our invoices to</p> <p>24 be correct when we send them out in December.</p> <p>25 Therefore, we would like to verify your layer</p>

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2 numbers based on capacity. If you have

3 expanded, we need to know your increased

4 capacity and likewise if you have decreased

5 your capacity."

6 Q. Why did you ask for that

7 verification?

8 MR. SLIDDERS: Objection to

9 form.

10 THE WITNESS: So I had the

11 correct bird numbers so my invoices

12 would be correct when they went out.

13 BY MS. LEVINE:

14 Q. Can you read the fourth

15 paragraph of that letter?

16 A. "Would you please verify if

17 this number is correct? If it is correct,

18 then your dues invoice will be based on this

19 number. If this is incorrect, please let me

20 know your correct capacity layer numbers by

21 the end of October so I can correct our

22 records."

23 Q. And did you receive corrections

24 from producers to these letters that you sent

25 out?

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2 A. Yes.

3 Q. And then what did you do when

4 you got corrections?

5 A. Changed my bible.

6 Q. You updated the dues list?

7 A. Yes.

8 Q. And then you sent out the --

9 you recalculated the invoice?

10 A. Yes.

11 Q. And then you sent out the

12 invoice?

13 A. Yes.

14 Q. And then you got a check back?

15 A. Yes.

16 Q. Did you check that the check

17 matched the invoice?

18 A. Most definitely.

19 Q. If the check did not match the

20 invoice, what did you do?

21 A. I called them to see why.

22 Q. And what were the reasons why

23 it might not match?

24 MR. SLIDDERS: Objection.

25 THE WITNESS: Well, by this time

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2 they were most of them correct because

3 I had verified the numbers. If by

4 chance in '07 we might not have gotten

5 one back, the only reason would be

6 because the bird numbers were

7 different.

8 BY MS. LEVINE:

9 Q. And if bird numbers were

10 different, would you correct your dues list?

11 A. Yes.

12 Q. And would you correct the

13 invoice?

14 A. Yes.

15 Q. Now, prior to 2007, I think you

16 testified that you did this by phone. Is

17 that correct?

18 A. Yes. We did it several

19 different ways. Through the years, as the

20 member services director were visiting the

21 farms, if they noted that there was a

22 difference, they would let me know and I

23 would update my records at that time. So

24 there was various ways that we got updates.

25 Q. But through all of the years

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2 that you did the dues list, if the check that

3 you received back was not the same as the

4 invoice, would you follow up?

5 A. Definitely.

6 Q. Did you follow up each and

7 every time?

8 A. Oh, yes.

9 Q. Did you change your records

10 each and every time?

11 A. Yes.

12 Q. And if a flock number should

13 change, and that UEP member was also a member

14 of the certified program, would you update

15 those flock records?

16 MR. SLIDDERS: Objection.

17 THE WITNESS: Yes. Yes, I

18 updated every record that I had that

19 we used bird numbers for.

20 BY MS. LEVINE:

21 Q. And did you do that routinely?

22 A. Yes.

23 Q. We've already looked at your

24 dues record for 2002 and your dues record for

25 2007. So that we're not here for the next



<p style="text-align: right;">Page 230</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 three weeks, I am not going to bring out</p> <p>3 every single document for every single</p> <p>4 member. But sitting here today, can you</p> <p>5 confirm for me that you verified all of the</p> <p>6 numbers on all of these pages on Reickard-42</p> <p>7 and 44?</p> <p>8 MR. SLIDDERS: Objection.</p> <p>9 THE WITNESS: They would have</p> <p>10 been verified one way or another.</p> <p>11 BY MS. LEVINE:</p> <p>12 Q. By you?</p> <p>13 A. Or my assistant.</p> <p>14 Q. And did -- who were your</p> <p>15 assistants again?</p> <p>16 A. Mary Hill and Becky Wentworth.</p> <p>17 Q. And did you make sure that</p> <p>18 happened each and every time?</p> <p>19 A. Oh, yes.</p> <p>20 MS. LEVINE: I'm going to mark</p> <p>21 the next document as R-46.</p> <p>22 - - -</p> <p>23 (Exhibit Reickard-46, Dues list,</p> <p>24 Bates UE0198018 - UE0198023, was</p> <p>25 marked for identification.)</p>	<p style="text-align: right;">Page 232</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 document as R-49, which is dues</p> <p>3 list -- which is a dues list Bates</p> <p>4 stamped UE0243147 through UE0243152.</p> <p>5 - - -</p> <p>6 (Exhibit Reickard-49, Dues list,</p> <p>7 Bates UE0243147 - UE0243152, was</p> <p>8 marked for identification.)</p> <p>9 - - -</p> <p>10 MS. LEVINE: I'm going to mark</p> <p>11 the next document as R-50. R-50 is</p> <p>12 another dues list marked UE0197900</p> <p>13 through UE0197904.</p> <p>14 - - -</p> <p>15 (Exhibit Reickard-50, Dues list,</p> <p>16 Bates UE0197900 - UE0197904, was</p> <p>17 marked for identification.)</p> <p>18 - - -</p> <p>19 BY MS. LEVINE:</p> <p>20 Q. Again, in the interest of time,</p> <p>21 that's why I'm just going to just Bates stamp</p> <p>22 them all and ask you some questions.</p> <p>23 So, Ms. Reickard, you have</p> <p>24 R-46, R-47, R-48, R-49 and R-50 in front of</p> <p>25 you?</p>
<p style="text-align: right;">Page 231</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 - - -</p> <p>3 MS. LEVINE: R-46 is Bates</p> <p>4 stamped UE0198018 through UE0198023.</p> <p>5 I'm going to mark the next dues</p> <p>6 list as R-47.</p> <p>7 - - -</p> <p>8 (Exhibit Reickard-47, Dues list,</p> <p>9 Bates UE0198080 - UE0198085, was</p> <p>10 marked for identification.)</p> <p>11 - - -</p> <p>12 MS. LEVINE: R-47 is a dues list</p> <p>13 Bates stamped UE0198080 through</p> <p>14 UE0198085.</p> <p>15 I'm going to mark the next</p> <p>16 document as Reickard-48.</p> <p>17 - - -</p> <p>18 (Exhibit Reickard-48, Dues List,</p> <p>19 Bates UE0198065 - UE0198069, was</p> <p>20 marked for identification.)</p> <p>21 - - -</p> <p>22 MS. LEVINE: Reickard-48 is</p> <p>23 another member layers dues list Bates</p> <p>24 stamped UE0198065 through UE0198069.</p> <p>25 I'm going to mark the next</p>	<p style="text-align: right;">Page 233</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Yes.</p> <p>3 Q. Can you identify these</p> <p>4 documents?</p> <p>5 A. They are my dues records.</p> <p>6 Q. And the same questions as I</p> <p>7 asked before. Did you or someone at your</p> <p>8 direction, your assistants, verify each and</p> <p>9 every line of the hen layer numbers on these</p> <p>10 documents?</p> <p>11 A. Yes.</p> <p>12 MR. SLIDDERS: Objection.</p> <p>13 BY MS. LEVINE:</p> <p>14 Q. And did you or one of your</p> <p>15 assistants at your direction invoice the</p> <p>16 producer for the dues shown on the last</p> <p>17 column of these documents?</p> <p>18 A. Yes.</p> <p>19 Q. And did you or one of your</p> <p>20 assistants verify the checks when they came</p> <p>21 in from the producer?</p> <p>22 A. Yes.</p> <p>23 MR. SLIDDERS: Objection.</p> <p>24 BY MS. LEVINE:</p> <p>25 Q. And did you or one of your</p>

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2 assistants make sure that the exact amount of

3 the check was the exact amount of the

4 invoice?

5 A. Well, there was a discount

6 involved, so it might not have been the exact

7 amount. But, yes, I verified that it was the

8 amount less the discount is what they paid.

9 Q. You verified that you received

10 the check in the right amount?

11 A. Yes.

12 Q. And can you describe what you

13 mean by discount?

14 A. If people paid the dues for the

15 whole year by the end of January, they were

16 given a 5 percent discount.

17 Q. And how was that discount

18 shown? Was it shown on an invoice?

19 MR. SLIDDERS: Objection.

20 THE WITNESS: Yes.

21 BY MS. LEVINE:

22 Q. And if when you received checks

23 back from the producer and they did not match

24 the invoice with a 5 percent discount, did

25 you or one of your assistants follow up?

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 A. Most definitely.

3 Q. And can you describe for me the

4 process with the dues lists? Are they

5 updated? Do you do them once a year, do you

6 do them twice a year?

7 MR. SLIDDERS: Objection.

8 THE WITNESS: It's a continuing

9 process. Whenever -- it doesn't

10 matter when during the year I would

11 find out that there was a difference,

12 I would change the list.

13 BY MS. LEVINE:

14 Q. You would update the list?

15 A. Yes.

16 Q. And then, again, you would

17 update the certified numbers?

18 MR. SLIDDERS: Objection.

19 THE WITNESS: Every list, yes.

20 BY MS. LEVINE:

21 Q. And -- so within a year there

22 are or there could be updated dues lists?

23 A. Yes.

24 MR. SLIDDERS: Objection.

25 BY MS. LEVINE:

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 Q. You don't necessarily just have

3 one dues list for each year?

4 MR. SLIDDERS: Objection.

5 THE WITNESS: No.

6 BY MS. LEVINE:

7 Q. How many dues lists would you

8 have for each year?

9 A. Okay. Just to clarify, I

10 updated this list, I did not keep -- for

11 instance, if Brown Brothers changed the

12 number of hens, I would go to this list and

13 change the number of hens. I didn't keep

14 this list on a separate file and have a new

15 file each time. So it was -- it's the same

16 list, it's just updated.

17 Q. So you updated that information

18 in your database?

19 A. Yes.

20 Q. And for your time as vice

21 president at UEP, did you always keep a dues

22 list?

23 A. Yes.

24 Q. Did Mr. Gregory also from time

25 to time double check the dues lists?

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1 LINDA REICKARD - HIGHLY CONFIDENTIAL

2 MR. SLIDDERS: Objection.

3 THE WITNESS: I think he did.

4 BY MS. LEVINE:

5 Q. And did he do the same for the

6 certified records?

7 MR. SLIDDERS: Objection.

8 THE WITNESS: I think so.

9 BY MS. LEVINE:

10 Q. Were there employees of UEP

11 that actually went out and visited the farms?

12 A. Yes, there were member services

13 directors.

14 Q. Who were those individuals?

15 A. Chad Gregory was at one time.

16 Mike McGriff was at one time. I think those

17 were the only two after we consolidated.

18 Q. And they would go and actually

19 go to the farm?

20 A. Yes.

21 MR. SLIDDERS: Objection.

22 BY MS. LEVINE:

23 Q. Did you keep -- did you

24 maintain the dues list?

25 A. My assistant and I did, yes.

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<p style="text-align: right;">Page 238</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And you maintained them in the</p> <p>3 ordinary course of your business?</p> <p>4 A. Yes.</p> <p>5 Q. If I were to ask you what you</p> <p>6 thought was the most reliable document to</p> <p>7 determine the members of UEP, what document</p> <p>8 or documents would that be?</p> <p>9 A. My dues list.</p> <p>10 MR. SLIDDERS: Objection.</p> <p>11 THE WITNESS: My dues list.</p> <p>12 BY MS. LEVINE:</p> <p>13 Q. And why is that?</p> <p>14 A. Because I was very methodical</p> <p>15 about keeping it up to date.</p> <p>16 Q. And in your 30 years in the egg</p> <p>17 industry, do you know most of the members of</p> <p>18 UEP?</p> <p>19 A. Yes.</p> <p>20 Q. Do you think you know all of</p> <p>21 the members of UEP?</p> <p>22 MR. SLIDDERS: Objection.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MS. LEVINE:</p> <p>25 Q. Do you see the members at</p>	<p style="text-align: right;">Page 240</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. Did you use -- how did you</p> <p>3 verify the accuracy of the USEM member layer</p> <p>4 capacity numbers?</p> <p>5 MR. SLIDDERS: Objection.</p> <p>6 THE WITNESS: Whenever we would</p> <p>7 have an export, I would go over the</p> <p>8 list that I had with Phyllis to make</p> <p>9 sure that there hadn't been any</p> <p>10 changes. I updated the bird numbers</p> <p>11 according to my UEP list.</p> <p>12 MS. LEVINE: I'm going to mark</p> <p>13 the next document as Reickard-51.</p> <p>14 Reickard-51 is Bates stamped UE0199756</p> <p>15 and UE0199757.</p> <p>16 - - -</p> <p>17 (Exhibit Reickard-51, Export</p> <p>18 Case Volume, Bates UE0199756 &amp;</p> <p>19 UE0199757, was marked for</p> <p>20 identification.)</p> <p>21 - - -</p> <p>22 BY MS. LEVINE:</p> <p>23 Q. Ms. Reickard, are you familiar</p> <p>24 with Reickard-51?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 239</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 meetings?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know them on a first</p> <p>5 name basis?</p> <p>6 A. Yes.</p> <p>7 Q. Would you consider the</p> <p>8 domestic -- strike that.</p> <p>9 Would you consider the egg</p> <p>10 producers in America to be a large industry?</p> <p>11 A. No.</p> <p>12 MR. SLIDDERS: Objection.</p> <p>13 BY MS. LEVINE:</p> <p>14 Q. How would you describe them?</p> <p>15 A. Relatively small.</p> <p>16 Q. Is it an industry where people</p> <p>17 know each other?</p> <p>18 A. Yes.</p> <p>19 Q. Is it an industry where people</p> <p>20 know each other's families, husbands, wives,</p> <p>21 or do you not know?</p> <p>22 A. If they -- at our annual</p> <p>23 meeting in October, a lot of them would bring</p> <p>24 their spouses, so, yes, some of them would</p> <p>25 know their spouses.</p>	<p style="text-align: right;">Page 241</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And what is Reickard-51?</p> <p>3 A. It's the U.S. Egg Marketers'</p> <p>4 export sheet for a June '08 export.</p> <p>5 Q. And did you -- what was your</p> <p>6 role in any of the numbers that appear on</p> <p>7 Reickard-51?</p> <p>8 MR. SLIDDERS: Objection.</p> <p>9 THE WITNESS: I would have</p> <p>10 verified that the layer numbers were</p> <p>11 correct for the members listed.</p> <p>12 BY MS. LEVINE:</p> <p>13 Q. And was that done in the same</p> <p>14 process that we just described for UEP?</p> <p>15 A. Yes.</p> <p>16 MR. SLIDDERS: Objection.</p> <p>17 BY MS. LEVINE:</p> <p>18 Q. Now, on the back side of this</p> <p>19 export case volume Reickard-51, which is</p> <p>20 Bates stamped UE0199757, it says,</p> <p>21 "SUPPORTERS." Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And three companies are listed</p> <p>24 as supporters. Is that correct?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 242</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And can you tell me those three</p> <p>3 companies?</p> <p>4 A. RW Sauder, Wilcox Farms,</p> <p>5 Willamette Egg.</p> <p>6 Q. Does that refresh your</p> <p>7 recollection in any way that those three</p> <p>8 companies were indeed supporters?</p> <p>9 MR. SLIDDERS: Objection.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MS. LEVINE:</p> <p>12 Q. And a supporter was different</p> <p>13 from a member. Is that correct?</p> <p>14 MR. SLIDDERS: Objection.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. LEVINE:</p> <p>17 Q. Was a supporter a member of</p> <p>18 USEM?</p> <p>19 A. No.</p> <p>20 Q. I also want to direct your</p> <p>21 attention to, back on the first page of R-51,</p> <p>22 Bates stamped UE0199756. Do you see where it</p> <p>23 says, "NuCal Foods"?</p> <p>24 A. Yes.</p> <p>25 Q. Would that indicate to you that</p>	<p style="text-align: right;">Page 244</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 a member of USEM, but, I guess, I don't know</p> <p>3 that for sure.</p> <p>4 Q. So do you know whether or not</p> <p>5 NuCal Foods was a member of USEM?</p> <p>6 MR. SLIDDERS: Objection.</p> <p>7 THE WITNESS: No, I don't.</p> <p>8 BY MS. LEVINE:</p> <p>9 Q. You do, however, know that the</p> <p>10 flocks that are listed on R-51 next to NuCal</p> <p>11 Foods --</p> <p>12 A. Yes.</p> <p>13 Q. -- are the combined layers of I</p> <p>14 think you said Rainbow, Sunrise Farms, JW</p> <p>15 West and Gemperle. Is that right?</p> <p>16 A. JS West and Gemperle, yes.</p> <p>17 Q. If you didn't know that a -- if</p> <p>18 you wanted to find out if a producer was a</p> <p>19 member of USEM, what document would you look</p> <p>20 at? What would you do?</p> <p>21 A. I would ask Phyllis.</p> <p>22 Q. Did you have any role in</p> <p>23 determining who was or was not a member of</p> <p>24 USEM?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 243</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 NuCal Foods was a member of USEM?</p> <p>3 A. Well, according to the back</p> <p>4 page at the bottom, you'll see the note that</p> <p>5 says, "NuCal represents Rainbow, Sunrise</p> <p>6 Farms, JS West &amp; Gemperle." They were the</p> <p>7 actual members, NuCal was representing them.</p> <p>8 Q. Right. Those were the actual</p> <p>9 producers that made up the co-op of NuCal.</p> <p>10 Is that right?</p> <p>11 MR. SLIDDERS: Objection.</p> <p>12 THE WITNESS: Yes. That's</p> <p>13 correct, yes.</p> <p>14 BY MS. LEVINE:</p> <p>15 Q. And to your knowledge, could a</p> <p>16 co-op join USEM and join UEP, could a co-op</p> <p>17 be a member --</p> <p>18 MR. SLIDDERS: Objection.</p> <p>19 BY MS. LEVINE:</p> <p>20 Q. -- of UEP or USEM?</p> <p>21 MR. SLIDDERS: Objection.</p> <p>22 BY MS. LEVINE:</p> <p>23 Q. Or do you not know?</p> <p>24 A. I know that they can be a</p> <p>25 member of UEP. I don't see how they could be</p>	<p style="text-align: right;">Page 245</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 MS. LEVINE: Mark the next</p> <p>3 document as Reickard-52. Reickard-52</p> <p>4 is Bates stamped UE0306391 and</p> <p>5 UE0306392.</p> <p>6 - - -</p> <p>7 (Exhibit Reickard-52, UEA Allied</p> <p>8 Industries 2008 Directory, Bates</p> <p>9 UE0306391 &amp; UE0306392, was marked for</p> <p>10 identification.)</p> <p>11 - - -</p> <p>12 MR. SLIDDERS: What number was</p> <p>13 that?</p> <p>14 MS. LEVINE: R-52.</p> <p>15 BY MS. LEVINE:</p> <p>16 Q. Ms. Reickard, what is R-52?</p> <p>17 A. That is the UEA Allied</p> <p>18 membership list.</p> <p>19 Q. And was this published, this</p> <p>20 list published? Was it handed out?</p> <p>21 A. They printed it down at the</p> <p>22 Georgia office. I don't know if they handed</p> <p>23 it out to anyone or not.</p> <p>24 Q. And I think earlier plaintiffs'</p> <p>25 counsel asked you about R-34 and must have</p>

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<p style="text-align: right;">Page 246</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 been R-35. Correct me if I'm wrong, but I</p> <p>3 think you testified that Environmental</p> <p>4 Management Solutions, LLC became Validus?</p> <p>5 A. Correct.</p> <p>6 Q. Does Validus appear on the</p> <p>7 United Egg Association Allied Industries 2008</p> <p>8 Directory?</p> <p>9 A. Yes.</p> <p>10 Q. Can you take a look at what was</p> <p>11 previously marked as R-33? I think you have</p> <p>12 it before you, it was marked this morning.</p> <p>13 I think when you were</p> <p>14 discussing this document, which is your</p> <p>15 e-mail, you noted a typo. And what do you</p> <p>16 think that typo is?</p> <p>17 A. The A in the UEA, I'm sure that</p> <p>18 should have said UEP Price Discovery</p> <p>19 Committee.</p> <p>20 Q. Thank you.</p> <p>21 Did UEP have a management</p> <p>22 agreement with UEA?</p> <p>23 MR. SLIDDERS: Objection.</p> <p>24 BY MS. LEVINE:</p> <p>25 Q. Do you know whether UEP had a</p>	<p style="text-align: right;">Page 248</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 THE WITNESS: UEP managed all</p> <p>3 these groups.</p> <p>4 BY MS. LEVINE:</p> <p>5 Q. I want to talk about UEP</p> <p>6 meetings for a little bit. Was there an</p> <p>7 Executive Committee?</p> <p>8 A. Yes.</p> <p>9 Q. Were those meetings opened or</p> <p>10 closed?</p> <p>11 A. Closed.</p> <p>12 Q. And only Executive Committee</p> <p>13 members attended?</p> <p>14 MR. SLIDDERS: Objection.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. LEVINE:</p> <p>17 Q. And how do you know that?</p> <p>18 A. Because I was an officer who</p> <p>19 attended.</p> <p>20 Q. From time to time were special</p> <p>21 meetings of the board called?</p> <p>22 A. Yes.</p> <p>23 Q. And were those special meetings</p> <p>24 open or closed?</p> <p>25 MR. SLIDDERS: Objection.</p>
<p style="text-align: right;">Page 247</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 management agreement with UEA?</p> <p>3 A. I assume so. I guess I do not</p> <p>4 know that specifically.</p> <p>5 Q. I think you testified this</p> <p>6 morning that you knew that there was a</p> <p>7 management agreement between UEP and USEM.</p> <p>8 A. Yes.</p> <p>9 Q. Did you understand that there</p> <p>10 was a similar relationship between UEP and</p> <p>11 UEA?</p> <p>12 MR. SLIDDERS: Objection.</p> <p>13 BY MS. LEVINE:</p> <p>14 Q. Even if you didn't know the</p> <p>15 specifics?</p> <p>16 MR. SLIDDERS: Objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MS. LEVINE:</p> <p>19 Q. What was your understanding</p> <p>20 about that relationship?</p> <p>21 A. That UEA managed all these</p> <p>22 groups.</p> <p>23 Q. UEA?</p> <p>24 A. I'm sorry.</p> <p>25 MR. SLIDDERS: Objection.</p>	<p style="text-align: right;">Page 249</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 THE WITNESS: When you say</p> <p>3 "special," you mean other than the</p> <p>4 three large meetings that we have each</p> <p>5 year?</p> <p>6 BY MS. LEVINE:</p> <p>7 Q. Yes.</p> <p>8 A. They were only the board.</p> <p>9 Q. Now, the three large meetings</p> <p>10 that you're talking about, were they</p> <p>11 advertised to the public, like anybody off</p> <p>12 the street would be invited?</p> <p>13 MR. SLIDDERS: Objection.</p> <p>14 THE WITNESS: No. No.</p> <p>15 BY MS. LEVINE:</p> <p>16 Q. Were people in the egg industry</p> <p>17 invited?</p> <p>18 A. Yes.</p> <p>19 MR. SLIDDERS: Objection.</p> <p>20 BY MS. LEVINE:</p> <p>21 Q. During those three meetings</p> <p>22 that you were talking about, and I think you</p> <p>23 testified to this morning, were UEA members</p> <p>24 permitted to attend?</p> <p>25 A. They were permitted to attend</p>

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<p style="text-align: right;">Page 250</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 as an audience, yes.</p> <p>3 Q. And what do you mean by</p> <p>4 "audience"?</p> <p>5 A. They could sit and hear what</p> <p>6 was going on. They could not vote or be part</p> <p>7 of the committee or the board.</p> <p>8 Q. Who could vote at UEP meetings?</p> <p>9 A. The board members.</p> <p>10 Q. Could observers vote?</p> <p>11 A. No.</p> <p>12 Q. Could anyone that was a non-UEP</p> <p>13 member vote?</p> <p>14 A. No.</p> <p>15 Q. Ms. Reickard, how long have you</p> <p>16 worked with Gene Gregory?</p> <p>17 A. Probably the 35 or 36 years. I</p> <p>18 believe -- he was part of Midwest. I believe</p> <p>19 he was -- if I remember correctly, he was a</p> <p>20 member of Midwest as a producer when I became</p> <p>21 part of that organization.</p> <p>22 Q. And for all those years that</p> <p>23 you've known Gene Gregory, has he been</p> <p>24 passionate about animal welfare?</p> <p>25 A. Very passionate, yes.</p>	<p style="text-align: right;">Page 252</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 follow up. You were just asked some</p> <p>3 questions, I believe, about Reickard-33.</p> <p>4 Could you bring that up?</p> <p>5 A. Okay.</p> <p>6 Q. Now, is that the e-mail that</p> <p>7 refers to the UEA Price Discovery Committee?</p> <p>8 A. Yes.</p> <p>9 Q. Did you testify that you</p> <p>10 believe that it was a typo?</p> <p>11 A. I think so.</p> <p>12 Q. Why do you think it was a typo?</p> <p>13 A. Because I wasn't aware that UEA</p> <p>14 had a Price Discovery Committee.</p> <p>15 MR. BROWN: Let me show you what</p> <p>16 will be marked as Exhibit Reickard-53.</p> <p>17 - - -</p> <p>18 (Exhibit Reickard-53, E-mail</p> <p>19 chain, Bates UE0465202 &amp; UE046520, was</p> <p>20 marked for identification.)</p> <p>21 - - -</p> <p>22 BY MR. BROWN:</p> <p>23 Q. This is UE0465202. Will you</p> <p>24 take a minute to review, please?</p> <p>25 A. [Reviewing document.] Okay.</p>
<p style="text-align: right;">Page 251</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. How do you know that?</p> <p>3 A. Well, back when he -- years ago</p> <p>4 when he was with Midwest, he started an</p> <p>5 animal husbandry program, and he's always</p> <p>6 been very passionate about that.</p> <p>7 MS. LEVINE: Thank you, Ms.</p> <p>8 Reickard, I have no more questions.</p> <p>9 MR. SLIDDERS: Could we just</p> <p>10 take two minutes?</p> <p>11 MS. LEVINE: Sure.</p> <p>12 VIDEOGRAPHER: The time is</p> <p>13 approximately 4:49 p.m. We're off the</p> <p>14 record.</p> <p>15 - - -</p> <p>16 (A recess was taken.)</p> <p>17 - - -</p> <p>18 VIDEOGRAPHER: The time is</p> <p>19 approximately 4:59 p.m. We are back</p> <p>20 on the record.</p> <p>21 - - -</p> <p>22 FURTHER EXAMINATION</p> <p>23 - - -</p> <p>24 BY MR. BROWN:</p> <p>25 Q. I am just going to briefly</p>	<p style="text-align: right;">Page 253</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. The earliest e-mail in the</p> <p>3 chain is from Toby Catherman to Gene Gregory</p> <p>4 and Dan Meagher. Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Mr. Catherman is from Michael</p> <p>7 Foods. Is that correct?</p> <p>8 A. From where?</p> <p>9 Q. Michael Foods.</p> <p>10 A. Yes.</p> <p>11 Q. Was Michael Foods a member of</p> <p>12 UEA at the time?</p> <p>13 A. I would have to check the UEA</p> <p>14 Further Processors list, but I think he was.</p> <p>15 Q. And what about Dan Meagher, do</p> <p>16 you know who he is?</p> <p>17 A. Yes, I do.</p> <p>18 Q. Is he from Moark?</p> <p>19 A. He was at one time, and I'm</p> <p>20 assuming at this time he was.</p> <p>21 Q. Also a UEA member at that time?</p> <p>22 A. Yes, I think so. Again, I</p> <p>23 would have to double check to be positive.</p> <p>24 Q. And Mr. Catherman writes,</p> <p>25 "Minor but of HUGE importance."</p>

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<p style="text-align: right;">Page 254</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Do you have an understanding --</p> <p>3 well, let me back up.</p> <p>4 Mr. Catherman writes, "I just</p> <p>5 received my room confirmation from Linda and</p> <p>6 the meeting is referred to as 'UEA.'"</p> <p>7 Did that I read that correctly?</p> <p>8 A. Yes.</p> <p>9 Q. Mr. Catherman then writes,</p> <p>10 "Minor but of HUGE importance."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Do you have an understanding of</p> <p>14 what he meant when he said "Minor but of HUGE</p> <p>15 importance"?</p> <p>16 A. No, I don't.</p> <p>17 Q. This e-mail is eventually</p> <p>18 forwarded to you May 24, 2004. Is that</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Who is Caryn Konrad?</p> <p>22 A. She was the secretary of the</p> <p>23 Georgia office.</p> <p>24 Q. You write to her, "I thought</p> <p>25 that is what Gene called it."</p>	<p style="text-align: right;">Page 256</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 MR. BROWN: That is all for me.</p> <p>3 I think Charles might have one</p> <p>4 or two questions if that's okay with</p> <p>5 you.</p> <p>6 MR. SLIDDERS: Is it okay if I</p> <p>7 sit here or do you want me to come</p> <p>8 down?</p> <p>9 VIDEOGRAPHER: Microphone.</p> <p>10 - - -</p> <p>11 FURTHER EXAMINATION</p> <p>12 - - -</p> <p>13 BY MR. SLIDDERS:</p> <p>14 Q. Not much longer, Ms. Reickard.</p> <p>15 You said that the egg industry</p> <p>16 was a small community earlier today.</p> <p>17 A. Yes.</p> <p>18 Q. Now, that may be so, but it</p> <p>19 has -- how many members of the UEP were there</p> <p>20 approximately during your tenure?</p> <p>21 A. I don't know without -- not</p> <p>22 without counting it up. I think there are</p> <p>23 only around 200 egg -- I mean larger egg</p> <p>24 producers in the U.S., and I think we have 90</p> <p>25 plus percent of those as members.</p>
<p style="text-align: right;">Page 255</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Did I read that correctly?</p> <p>3 A. Yes.</p> <p>4 Q. And you are expressing that you</p> <p>5 thought Gene referred to this meeting as the</p> <p>6 UEA meeting. Is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall Gene Gregory</p> <p>9 referring it -- referring to it as a UEA</p> <p>10 meeting?</p> <p>11 A. No. I don't even remember this</p> <p>12 meeting.</p> <p>13 Q. Do you have any reason to doubt</p> <p>14 that Gene Gregory referred to it as a UEA</p> <p>15 meeting?</p> <p>16 MS. LEVINE: Object to the form</p> <p>17 of the question.</p> <p>18 THE WITNESS: I don't remember.</p> <p>19 BY MR. BROWN:</p> <p>20 Q. Do you have any reason to doubt</p> <p>21 it?</p> <p>22 MS. LEVINE: Object to the form</p> <p>23 of the question.</p> <p>24 THE WITNESS: I don't have any</p> <p>25 reason to doubt it or not doubt it.</p>	<p style="text-align: right;">Page 257</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And the producers may have had</p> <p>3 a number of henhouses in different locations.</p> <p>4 Is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Now, you testified earlier</p> <p>7 that -- I think it's Mitch McGriff?</p> <p>8 A. Yes, Mike McGriff.</p> <p>9 Q. Mike McGriff and Chad Gregory,</p> <p>10 I believe, who also was a field officer at</p> <p>11 the time?</p> <p>12 A. Yes.</p> <p>13 Q. Would visit egg producers. Is</p> <p>14 that correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Did they -- did Mike or Chad</p> <p>17 visit every single henhouse of the UEP</p> <p>18 members in every year?</p> <p>19 A. I would not know that.</p> <p>20 Q. Did they ever conduct a</p> <p>21 physical audit of the cage space of every</p> <p>22 henhouse?</p> <p>23 A. You would have to ask them. I</p> <p>24 don't know.</p> <p>25 Q. Did they ever report to you on</p>

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<p style="text-align: right;">Page 258</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 any physical results of any examination that</p> <p>3 they undertook of henhouses?</p> <p>4 A. The only thing that they would</p> <p>5 report to me was this producer has built a</p> <p>6 new house, its capacity is such and such, and</p> <p>7 then I would know that I needed to change</p> <p>8 those records.</p> <p>9 Q. But they would report to you --</p> <p>10 would they report to you that they counted</p> <p>11 the number of cages in that henhouse?</p> <p>12 A. They did not report to me that,</p> <p>13 no.</p> <p>14 MR. SLIDDERS: I have no further</p> <p>15 questions.</p> <p>16 MS. LEVINE: I have a couple of</p> <p>17 questions.</p> <p>18 - - -</p> <p>19 FURTHER EXAMINATION</p> <p>20 - - -</p> <p>21 BY MS. LEVINE:</p> <p>22 Q. On R-53 that was just shown to</p> <p>23 you, on the page UE0465203, do you see where</p> <p>24 Mr. Catherman is writing to Gene Gregory?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 260</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 marked for identification.)</p> <p>3 - - -</p> <p>4 BY MS. LEVINE:</p> <p>5 Q. Ms. Reickard, can you identify</p> <p>6 that document?</p> <p>7 A. Yes, it was an annual dues</p> <p>8 invoice.</p> <p>9 Q. And is that an invoice you sent?</p> <p>10 A. Yes.</p> <p>11 Q. And is this your handwriting?</p> <p>12 A. Part of it is mine, part of it</p> <p>13 is my assistant's.</p> <p>14 Q. Which assistant?</p> <p>15 A. I believe that's Mary Hill's.</p> <p>16 Q. Can you explain to me what is</p> <p>17 going on with this document or the purpose of</p> <p>18 this document?</p> <p>19 A. The invoice and check came back</p> <p>20 to us on December 22nd, and it was a</p> <p>21 different amount than we invoiced. I'm not</p> <p>22 sure who wrote -- no, I take that back. I</p> <p>23 don't know if someone called and said the</p> <p>24 invoice is wrong, our layer numbers are</p> <p>25 883,379, or if this came back crossed out and</p>
<p style="text-align: right;">Page 259</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 Q. And he clearly says that</p> <p>3 writing UEA instead of UEP is an error. Is</p> <p>4 that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And nowhere on this e-mail does</p> <p>7 Mr. Gregory disagree with that</p> <p>8 characteristic. Is that correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And in your time of knowing Mr.</p> <p>11 Gregory, if he disagreed with something,</p> <p>12 would he speak up?</p> <p>13 MR. SLIDDERS: Objection.</p> <p>14 THE WITNESS: Yes, he would.</p> <p>15 BY MS. LEVINE:</p> <p>16 Q. So looking back at this e-mail,</p> <p>17 do you stand by your testimony that on R-33</p> <p>18 it was a typo?</p> <p>19 A. Yes, I do.</p> <p>20 MS. LEVINE: I'm going to mark</p> <p>21 one document and then we'll be done as</p> <p>22 R-54. R-54 is UE0048736.</p> <p>23 - - -</p> <p>24 (Exhibit Reickard-54, Annual</p> <p>25 dues invoice, Bates UE0048736, was</p>	<p style="text-align: right;">Page 261</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 refigured. So the correct figure is written</p> <p>3 in here. The corrected layer numbers are</p> <p>4 written in there. And then we show at the</p> <p>5 bottom the amount that was received and the</p> <p>6 amount of the discount that they took.</p> <p>7 Q. And was this part of the</p> <p>8 verification process --</p> <p>9 MR. SLIDDERS: Objection.</p> <p>10 BY MS. LEVINE:</p> <p>11 Q. -- that you just testified to?</p> <p>12 A. Yes.</p> <p>13 Q. And what are the corrected</p> <p>14 layer numbers on R-50 -- what is this, R-54?</p> <p>15 A. 883,379.</p> <p>16 Q. And what are the corrected</p> <p>17 dues?</p> <p>18 A. \$6,183.65.</p> <p>19 Q. And what did you receive?</p> <p>20 A. \$5,874.47.</p> <p>21 Q. And did this producer receive a</p> <p>22 5 percent discount?</p> <p>23 A. Yes, he did.</p> <p>24 Q. And is that the difference</p> <p>25 between those two numbers?</p>

<p style="text-align: right;">Page 262</p> <p>1 LINDA REICKARD - HIGHLY CONFIDENTIAL</p> <p>2 A. Yes, it is.</p> <p>3 Q. And what would you have done</p> <p>4 with these corrected figures?</p> <p>5 A. Well, I would have updated my</p> <p>6 layer list, corrected the invoice, made</p> <p>7 adjusting entries in accounting and entered</p> <p>8 the check as received and the amounts.</p> <p>9 Q. And would you also update the</p> <p>10 certified lists?</p> <p>11 A. Yes.</p> <p>12 MS. LEVINE: No further</p> <p>13 questions. Thank you.</p> <p>14 Are we finished?</p> <p>15 MR. SLIDDERS: Yes.</p> <p>16 MR. BROWN: I'm done.</p> <p>17 VIDEOGRAPHER: The time is</p> <p>18 approximately 5:10 p.m. This ends</p> <p>19 tape five. We're now off the record.</p> <p>20 - - -</p> <p>21 (Witness excused.)</p> <p>22 - - -</p> <p>23 (Deposition concluded at 5:10</p> <p>24 p.m.)</p> <p>25</p>	<p style="text-align: right;">Page 264</p> <p>1</p> <p>2 INSTRUCTIONS TO WITNESS</p> <p>3</p> <p>4 Please read your deposition over</p> <p>5 carefully and make any necessary corrections.</p> <p>6 You should state the reason in the</p> <p>7 appropriate space on the errata sheet for any</p> <p>8 corrections that are made.</p> <p>9 After doing so, please sign the errata</p> <p>10 sheet and date it.</p> <p>11 You are signing same subject to the</p> <p>12 changes you have noted on the errata sheet,</p> <p>13 which will be attached to your deposition.</p> <p>14 It is imperative that you return the</p> <p>15 original errata sheet to the deposing</p> <p>16 attorney within thirty (30) days of receipt</p> <p>17 of the deposition transcript by you. If you</p> <p>18 fail to do so, the deposition transcript may</p> <p>19 be deemed to be accurate and may be used in</p> <p>20 court.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 263</p> <p>1</p> <p>2 C E R T I F I C A T E</p> <p>3</p> <p>4 I do hereby certify that I am a Notary</p> <p>5 Public in good standing, that the aforesaid</p> <p>6 testimony was taken before me, pursuant to</p> <p>7 notice, at the time and place indicated; that</p> <p>8 said deponent was by me duly sworn to tell</p> <p>9 the truth, the whole truth, and nothing but</p> <p>10 the truth; that the testimony of said</p> <p>11 deponent was correctly recorded in machine</p> <p>12 shorthand by me and thereafter transcribed</p> <p>13 under my supervision with computer-aided</p> <p>14 transcription; that the deposition is a true</p> <p>15 and correct record of the testimony given by</p> <p>16 the witness; and that I am neither of counsel</p> <p>17 nor kin to any party in said action, nor</p> <p>18 interested in the outcome thereof.</p> <p>19</p> <p>20 WITNESS my hand and official seal this</p> <p>21 14th day of April, 2014.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">_____ Notary Public</p>	<p style="text-align: right;">Page 265</p> <p>1</p> <p>2 ACKNOWLEDGMENT OF DEPONENT</p> <p>3 I have read the foregoing transcript of</p> <p>4 my deposition and except for any corrections or</p> <p>5 changes noted on the errata sheet, I hereby</p> <p>6 subscribe to the transcript as an accurate record</p> <p>7 of the statements made by me.</p> <p>8</p> <p>9</p> <p>10 _____</p> <p>11 LINDA REICKARD</p> <p>12</p> <p>13 SUBSCRIBED AND SWORN before and to me</p> <p>14 this ____ day of _____, 20____.</p> <p>15</p> <p>16</p> <p>17 _____</p> <p>18 NOTARY PUBLIC</p> <p>19</p> <p>20 My Commission expires:</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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